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COMMISSION

TRANSPORT

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TRANSPORTS

COMMITTEE

COMITÉ

RAILWAY

PAR CHEMIN DE FER

CASE/CAUSE NO:

VOLUME NO: 4

PLACE/ENDROIT: WINDSOR, ONT.

DATE: DEC. 1/77

OFFICIAL REPORTERS

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CANADIAN TRANSPORT COMMISSION

RAILWAY TRANSPORT COMMITTEE

IN THE MATTER OF an Application of Canadian Pacific Limited dated at Toronto, the 15th day of April, 1977 and captioned as follows:

IN THE MATTER OF The Railway Act, R.S.C. 1956 c. R-2 as amended, Sections 196, 197 and 216, The National Transportation Act, R.S.C. 1970 c.N-17 as amended, Sections 52, 57, and 63 and General Rules of Canadian Transport Commission, Rules 200, 250, 260, 275, 305 and 770;

AND IN THE MATTER OF a pedestrian crossing at Mileage 109.30 of the Windsor Subdivision of Canadian Pacific Limited as shown on Plan and Profile No. G-1-114-A, dated April 14, 1975;

AND IN THE MATTER OF the opening for the carriage of traffic of a portion of the railway between Mileage 108.35 and 109.68 of the said Windsor Subdivision known as the Powell Sidings.

File No. 49787.

Hearing held in the Cleary Auditorium
201 Riverside Drive West, Windsor,
Ontario, Thursday, December 1st, 1977
at 10:00 a.m., Local Time.

B E F O R E:

J.T. GRAY, ESQ., Q.C.

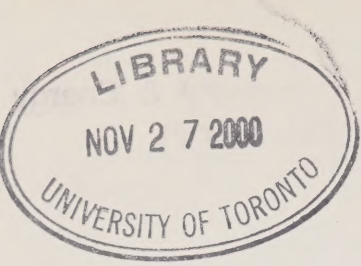
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J.M. WOODARD, ESQ.

COMMISSIONER

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COMMISSIONER



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APPEARANCES:

N.A. CHALMERS, ESQ., Q.C.) Counsel for Canadian
CAMERON HILLMER, ESQ.) Pacific Limited.

MS. DEANA SILVERSTONE Commission Counsel.

B.J. MacDONALD, - HEARING PROCESS
OFFICER

VOLUME 4

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Per: M.J. Cornell, C.S.R.
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P. Cornell



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INDEX OF WITNESSES

Name

Page No.

NUTKINS, George A. (Resumed)

Direct Examination by Mr. Chalmers

477

BROGAN, Michael, Sworn

Direct Examination by Mr. Hillmer

640



INDEX OF EXHIBITS

<u>No.</u>	<u>Description</u>	<u>Page No</u>
CP-F	Map of Detroit and Vicinity showing Railroads, Published by Michigan Department of Highways and Transportation dated 1976.	539
CP-G	A Line Diagram, Plan D-16-62-A, dated November 18, 1977.	539
CP-H	Diagram re County of Essex Township of Sandwich East. CP Rail, Walkerville Junction, Mileage 108.11.	575



--- On Commencing at 10:00 a.m.

THE CHAIRMAN: Good morning. Please
be seated.

GEORGE A. NUTKINS (Resumed)

THE HEARING PROCESS OFFICER: Mr.
Nutkins, I remind you, you are still under oath.

THE WITNESS: Yes.

THE CHAIRMAN: Mr. Chalmers, I
think we were about to move to Sheet 2 of CP-E, is
it?

MR. CHALMERS: Yes, sir.

THE CHAIRMAN: Fine.

MR. CHALMERS: I believe you
invited the members of the public to use the middle
counsel table, sir.

THE CHAIRMAN: Certainly. If
anyone would like to move up closer, you are more
than welcome.

DIRECT EXAMINATION BY MR. CHALMERS:

Q. Now, before we proceed to
Sheet 2, how many times a week do 942 and 937
operate?

A. 942 and 937 operate on the
basis of seven days a week.

Q. How many times per day?



1 A. Once per day.

2 Q. For each of them?

3 A. For each schedule, that is
4 correct.

5 Q. And do you have anything to
6 add about Sheet 1 of Exhibit CP-E?

7 A. I think the only thing I
8 could add, with regard to Sheet 1, would be to
9 indicate the crossing blockings times as indicated
10 on that sheet, represent blockage times for train
11 937 of 102 car lengths and train 942 of 57 car
12 lengths, and while these are fairly representative
13 of trains, at this present point in time, I think
14 it would only be fair to point out, to emphasize
15 the fact that we are really thinking in terms of
16 trains of 110 car lengths.
17

18 One other point I should possibly
19 bring out, a longer 942, for example, would have
20 extended the blockage times with reference to 942,
21 perhaps double the times that are shown.
22

23 Another point I should bring out
24 is that this particular trip, as recorded, was under
25 ideal conditions. There were no onward incidences
26 happen. We may or may not be able to expect the
27 same type of an operation during severe weather
28 conditions in winter months.
29
30



1 We have in the past experienced
2 certain difficulties, particularly in the cold
3 weather, with the problem of train lines parting on
4 the severe curvature, in which case the train
5 brake automatically goes into emergency and the
6 train would be stationery until such time as the
7 train crew is able to recouple, or repair the broken
8 train line; recharge the train line and release the
9 brakes and continue.
10

11 This is a very real possibility and
12 a very real problem in severe weather conditions
13 and I think, in all fairness, I should point that
14 matter out.
15

16 Q. So, to sum that up what
17 would happen to these times on Sheet 1 of CP-E in
18 the depths of winter?

19 A. Under severe conditions, I
20 would say that they would be drastically, or
21 certainly, to one degree or another, they certainly
22 would be increased.
23

24 They would never -- I would say
25 they would never be less than that and could be,
26 unfortunately, a great deal more than that.

27 Q. Now, you had been dealing
28 with Sheet 1 with the departure of 942 from the yard.
29 In your evidence yesterday; have you read your
30



1 evidence from yesterday? And, I am not going to
2 cross-examine here.

3 A. Yes, I have had an opportunity.

4 Q. In your evidence yesterday I
5 gather that you said a certain amount about 942
6 leaving the yard. Is there anything you would want
7 to add to that? Is that explanation complete?

8 If the Board permits, do you have
9 anything to add to your evidence?

10 A. With the permission of the
11 Board, I would point out that in my attempt to
12 describe the movements of 937 into and out of the
13 yard, and 942 into and out of the yard, I believe
14 the movement of 942, in error, I did not point out
15 the departure operation involved with 942.

16 I believe the record, as it stands
17 now, will indicate only 942's arrival in Windsor
18 yard.

19 THE CHAIRMAN: I must say, Mr.
20 Chalmers, I noticed that but I assumed 942 departing
21 procedure from the departure yard was the same as
22 the departure of the other train?

23 MR. CHALMERS: That is right. Out
24 of an abundance of caution, I noticed it too, the
25 same as you.

26 As I understand, and
27
28
29
30



1 I believe he feels he has left a gap and out of an
2 abundance of caution, we want to have a full record
3 if we can.
4

5 Q. Would you like to take 942
6 out of the yard as quickly as you only wish you
7 could?

8 A. 942 -- train 942, as it
9 arrives in the yard, I indicated that it would, in
10 most cases, and at the discretion of the Yardmaster
11 on duty, would be yarded in perhaps tracks 1 and
12 2 of the departure yard. This is assuming that 942
13 has a train length, or is a train of sufficient
14 length to require yarding in two tracks. It may
15 well be on some occasions that it will be able to
16 yard on one track, but if it becomes necessary to
17 yard on two tracks, once the train is yarded, the
18 diesel power brings the train in, will have to be
19 removed and taken to the shop area.
20
21

22 The caboose from the tail end
23 would have to be removed and put to an appropriate
24 storage location.

25 If a double-over is necessary, the
26 same procedure will prevail and prevailed with
27 reference to train 937's departure. A number 2
28 brake test will be conducted on one portion. A
29 No. 2 brake test will be conducted on the second
30



1 portion. After the diesel power has been changed to
2 the second portion, and incidentally, the outbound
3 caboose, of course, will have to be put to the tail
4 end of the train.

5 The completion of the brake test,
6 the double-over will then be made and a third brake
7 test -- a third No. 2 brake test will be made
8 following which the train, having received their
9 train orders and waybills, will leave the departure
10 of the yard along the main line, over Tecumseh
11 Road, which in this case, on Exhibit CP-D, is
12 shown in green, and it would cross at Tecumseh Road
13 and proceed on the main line towards London.

14 As the train departs Windsor yard,
15 it must depart at a reasonably slow rate of speed
16 so as to enable the tail end crew, who will be
17 standing in the area of the yard office, one on
18 either side of the train, making, what we refer to
19 as a pull by inspection as the train leaves.
20 Therefore, it is necessary for the train to make
21 his departure at a speed sufficiently slow as to
22 permit the tail end crew to entrain on the caboose
23 as it passes.

24 Now, having done this by radio
25 communication to inform the engine man and the
26 engine man will then, knowing that his tail end
27
28
29
30



1 crew is on board, will proceed with normal
2 movement towards London.
3

4 Q. Thank you.

5 Now, if we could get back to
6 Exhibit CP-E and if we could just get each one
7 quickly back on because there is a comparison
8 involved.

9 Now, Sheet 2, Mr. Nutkins, is
10 headed "Occupancy of Critical Circle, November 9,
11 1977".
12

13 Again there are the two columns
14 "Present" and "Proposed" and there are times shown
15 which vary apparently except for an additional item
16 called "Clearing Traffic", four minutes, 30 seconds
17 are identical -- oh, no, an additional 30 seconds
18 in the line under - a change in the line 937. I am
19 sorry. Except for certain changes, which I am sure
20 you will explain, many of the figures are identical.
21

22 What observations does Sheet 2
23 require?

24 A. Sheet 2 indicates, in the
25 best fashion possible, indicates the total time of
26 occupancy of what has been referred to as the
27 critical circle, during the movements of train 937,
28 arriving in the yard, 937 departing the yard, 942
29 arriving in the yard, 942 departing the yard.
30



B.1
NG/ko

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Q. Just a moment, these are actual times on November 9, are they?

A. Yes, these again refer to the operations of November the 9th, at which time I was on the train making the recording of times.

Q. Now and the critical circle is, of course, the area you have marked in red on Exhibit CP-C. And you can still see most of that red marking on the sample of CP-C that is on the board. Would you continue please?

A. Yes, I think in all fairness I should point out that while the chart (1) represents times that were certainly very apparent to me, by virtue of the fact that I was on the diesel units at the time I think it can be understood that I could not be on the diesel units and also standing at the critical circle to record the actual entry time into the critical circle and the exit time from the critical circle. So I have --

Q. Excuse me for interrupting, Mr. Nutkins, but you have given evidence, I do not want to cross-examine in any way, but your evidence yesterday was that some of those observations were made on the ground from automobiles and so on.

A. That is correct. Some of the, for example, the arrival of 937 was one instance



B 2 1 where I took the time standing or sitting in an
2 automobile actually at the crossing.

3 Q. At the crossing of Tecumseh
4 Road?

5 A. Of Tecumseh Road.

6 Q. Perhaps you could explain to
7 the Commission now why the occupancy of the critical
8 circle in your view is the identical times subject to
9 the exceptions that appear on the comparison between
10 sheets 1 and 2. Or approach it with any necessary
11 preliminary explanation that I interrupted.

12 A. Yes. As I was indicating it
13 was not possible for me to be in the two places at
14 the same time. But I feel that all the recorded
15 times here are very representative of actually what
16 happened. And to illustrate my point I would refer
17 to the arrival of 937. Now I was at this point on
18 Tecumseh Road recording the time that 937 had
19 physically blocked Tecumseh Road and the time that
20 937's tail end physically cleared Tecumseh Road.

21 I feel that it's a fair assumption
22 that the times of blockage here on Tecumseh Road
23 would be very close to the times of blockage through
24 the critical circle. And if there is any discrepancy
25 or any difference at all I would suggest that the
26 figures indicated here would be somewhat more modest
27
28
29
30



B 3 1 than the actual figures. And to explain that I would
2 simply indicate that as the train has crossed, started
3 across Tecumseh Road it is decelerating in compliance
4 with the restricted speed requirement within yard
5 limits.

6
7 I would say that as it passes through
8 the critical circle, if anything, it would be going
9 at slightly slower speed, as it proceeds down the
10 yard, as I described yesterday, and makes a double
11 over movement.

12 Q. Indicating on Exhibit CP--C
13 the movement you are describing?

14 A. That's correct. I feel quite
15 sincerely that while I was not able to actually take
16 these times myself standing at the start, I feel, I
17 have no reservation in saying that I feel that they
18 are absolutely representative of what actually would
19 happen.
20

21 Q. And how about the differences,
22 first of all we took the 942 first the other time on
23 sheet 1, perhaps you should do that again. 942, the
24 times are identical, are they not? So your feeling
25 is that 942 would block -- it is apparent from sheets
26 1 and 2 that 942 in your view would block the circle
27 the same length of time as it would block Tecumseh
28 Road. Have I misunderstood you?
29
30



B 4

1 A. No, I would say that is
2 absolutely correct, the same condition would prevail
3 with 942, which is, as you will recall from yester-
4 day's evidence, has made a stop at Tecumseh Road to
5 line the Essex terminal switch and manually will
6 start the crossing protection as it proceeds on over
7 the connecting tracks on the Essex terminal into our
8 yard.
9

10 I would say that the speed will in no
11 way increase, if anything it will decrease as it
12 proceeds into the yard. Therefore the critical circle
13 being in advance, if you will, of Tecumseh Road in
14 the direction of the motion of the train, I would
15 suggest that the time through the critical circle may
16 even be a little in excess of the time over Tecumseh
17 Road. And I would suggest that it certainly would
18 not be any less.
19

20 Q. 937, the 102 car American bound
21 train, you have got the same time for Arriving Yard -
22 30 minutes and 26 seconds. The same time for double
23 over, 40 minutes and 10 seconds blocking the critical
24 circle as for Tecumseh Road blockage. Does your
25 earlier evidence apply to that? If anything it would
26 be more and so on?
27

28 A. That is correct. I have
29 indicated that for 937 the blockage of the critical
30



B 5 1 circle would very closely correspond with the
2 blockages of Tecumseh Road, both in the -- I'm sorry,
3 that would be in the double over movement and the
4 final departure movement.

5 Q. Yes. There are three, I should
6 have -- I apologize. There were three items on the
7 two charts which are identical.
8

9 A. That is correct.

10 Q. Arrive yard, double over and
11 depart yard. And I take your earlier evidence
12 applies to those?
13

14 A. That is correct.

15 Q. Then you have got this extra
16 item, clearing traffic, 4 minutes and 30 seconds,
17 asterisk, standing clear of Tecumseh Road to clear
18 traffic. I think you have given us that explanation.

19 A. Yes. The item shown on chart
20 (2) indicated as clearing traffic, 4 minutes 30
21 seconds, represents the time as described in previous
22 evidence where in the interest of clearing the blocked
23 traffic on Tecumseh Road the normal practice in
24 situations such as this would be to reverse the train
25 and allow the diesel unit to back clear of Tecumseh
26 Road in order to let the traffic pass.
27

28 My recording of that time indicated
29 that we stood clear of Tecumseh Road to allow the
30



B 6

1 traffic to pass for a period of 4 minutes and 30
2 seconds. During this period of 4 minutes and 30
3 seconds, of course, the critical circle would still
4 be occupied.

5 I think this explains the reason for
6 the inclusion of the clearing traffic time of 4 minutes
7 and 30 seconds when we address ourselves to the
8 occupancy time within the critical circle.
9

10 Q. Is there anything else that
11 you want to tell the Panel about Exhibit CP-E, your
12 two charts? I do not want to slough this off in
13 any way, it is fairly critical to CP's case, the
14 yard cannot be used. But is there anything that you
15 want to add to your evidence about CP-E, sheets 1
16 and 2? We are leaving it now.
17

18 A. No, I believe that to the
19 best of my ability I have covered it to the fullest
20 extent that I can.
21

22 MR. CHALMERS: If Mr. Hillmer and
23 Mr. Andrews can move the little easel in front of
24 the big easel you will now see why I was trying to --

25 MR. WOODARD: While this is going on,
26 Mr. Chalmers, I would like to ask one question.

27 Am I correct in my assumption that this
28 movement into the yard and back out again is solely
29 for the purpose of changing crews, changing cabooses
30



B 7

1 and motor power?

2 THE WITNESS: Yes, that is correct,
3 sir. It is necessitated by the fact that we must
4 enter the yard with the train and that is the only
5 place at the present time we can accommodate the crew
6 change, the power change, the van change. That is
7 correct.
8

9 MR. CHALMERS: Q. Well you have to
10 have, is there anything else for which you have to
11 have some accommodation before you go on to Detroit?
12 Is that the only --
13
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-- -- -- --



C-1

1

A. Of course we certainly have

MJCeg

2

to have the approval or the acceptance by the

3

Conrail dispatcher to proceed from the yard, whether

4

it be in the yard or whether it be at Powell Siding

5

or wherever it might be.

6

7

We don't have the freedom, of course,

8

just to proceed towards the tunnel at Detroit. We

9

are restricted by the Detroit Conrail dispatcher's

10

approval to proceed and an indication that he has the

11

trackage line for us.

12

Q. And is there anything else

13

that 942 coming into Canada has to wait for apart

14

from crew change -- supposing a CP crew brought it

15

in from Rougemere?

16

17

A. Yes. There is a matter of

18

Customs documents and there are certain documentations

19

and procedures such as making the basics for the

20

traffic involved in the train. All of the Customs

21

manifests and documentations have to be taken care

22

of. The train consist must be processed at the

23

Windsor yard and such matters as pertain to the

24

normal operation of a train.

25

26

Q. Now ---

27

COMMISSIONER WOODARD: Well,

28

Mr. Chalmers, just on that point. I think it would

29

be of some value to the Panel at least if some

30



C-2

1 time during the course of Mr. Nutkin's examination
2 in chief that he just might be able to fill us in
3 on what the agreements are between Conrail and CP
4 as to occupation of track and authority to operate
5 over track ie., by crews if you want to put it that
6 way.
7

8 This is an area that is still hazy
9 to me and I think it is one of the underlying
10 reasons for this whole move but it hasn't come out
11 yet. I was just thinking if there would be something
12 like that.
13

14 MR. CHALMERS: It will come over.
15 It will come over -- it may come over a little bit
16 more in terms of agreements, of arrangements
17 between Canadian Pacific, Chessie and Conrail but
18 the crew part of it certainly will be reviewed. The
19 physical crew change part and the union agreements
20 that cause one of the problems that you, sir, are
21 alluding to.
22

23 Mr. Nutkins will, I believe, - I
24 anticipate will be reviewing the present arrangements
25 for crew change, how far Chessie crews can go, the
26 business of switching time and so on and we will
27 come to a lot of that.
28

29 As far as running rights over other
30 trackage there is an Application now pending before



1 this Commission. It is an Application by Chessie
2 for continuing its running rights over Conrail
3 which I am counselled that you have an Interim Order
4 out on that. There is an agreement. If you want
5 to go into - I am not -- with the greatest
6 possible deference I am not sure of its relevance.
7 That matter is before the Commission in another
8 case. It is not terribly difficult to go in to that --

10 COMMISSIONER WOODARD: I am not
11 concerned about anything you feel is not relevant.
12 All I want to know is what are the circumstances
13 that lead up to this type of a move rather than a
14 change off, say, at Rougemere or an interchange
15 further east, or what the story is?

17 MR. CHALMERS: Oh. That will be
18 canvassed as some length by this witness.

19 COMMISSIONER WOODARD: Thank you.

20 MR. CHALMERS: I think we will
21 satisfy you if I have understood your question and
22 if we don't I am sure you will -- I would ask you
23 please to ask again.

25 COMMISSIONER WOODARD: I don't
26 intend to cross-examine now. It is just a question
27 for clarification.

28 MR. CHALMERS: Certainly, and I
29 think we will cover that. If I have understood you,
30



1 sir, the ---

2 THE CHAIRMAN: Mr. Chalmers --

3 MR. CHALMERS: Yes sir?

4 THE CHAIRMAN: -- perhaps I could
5 intervene and just make an observation which, I am
6 sure, will make the question as clear as it
7 possibly can be made.

8 To a New Brunswick farm boy the
9 thought occurs that the crews, for example, that are
10 on the train coming from Toronto and London might
11 stay on the train until it arrives in the yard in
12 Detroit.

13 MR. CHALMERS: That's right.

14 THE CHAIRMAN: Similarly the train
15 crew that is going to take the train from Detroit
16 to London and Toronto and Montreal might start from
17 Detroit rather than starting -- why isn't this being
18 done?

19 MR. CHALMERS: Or ---

20 THE CHAIRMAN: I think that is the
21 question.

22 MR. CHALMERS: The answer I
23 anticipate is that --- Or CP could pick the train
24 up in Rougemere and the whole thing could be done
25 with CP crews and I think the answer you will
26 probably - I anticipate the answer you will probably



1 get (and I am not telling the witness to give it
2 because I don't know what he is going to give in
3 the way things, you know, come out of witnesses) but
4 I suspect the company, Canadian Pacific, would love
5 to do it. You know, you will be told why we can't
6 do it now but I anticipate that you may be told that
7 we would still need Powell Siding if we could pick
8 the train up in Detroit and if we could deliver it
9 right through to Detroit.
10

11 We would need it much shorter
12 times but I think I would rather let Mr. Nutkins
13 give the answer.
14

15 THE CHAIRMAN: Certainly. I
16 thought that would be a nice clear way to ask the
17 question.
18

19 MR. CHALMERS: It is clear and that
20 question I know will be -- I am confident will be
21 answered.
22

23 THE CHAIRMAN: Okay.

24 MR. CHALMERS: The problem of the
25 labour agreements and the crew running rights I
26 believe Mr. Nutkins can deal with that and if there
27 is any other question I would respectfully ask the
28 Panel at the risk of cross-examining Mr. Nutkins
29 ahead of schedule to ask it.
30



1 Q. Now I want to pass now, Mr.
2 Chairman, and Members of the Commission, to the
3 evidence in regard to how the famous Powell Siding
4 might work.

5 Now I would ask you to assume, Mr.
6 Nutkins, that you have the use of Powell Siding but
7 the present crew change is still required and the
8 present change and whatever -- rather let me ask
9 you this: assume that you have got the use of
10 Powell Siding forthwith and the present restraints
11 on use apply whatever they may be.
12

13 Would you tell the Panel how
14 Powell Siding would work?
15

16 A. Yes. I will endeavour to
17 make a full explanation of that.

18 I think to aid me in this I will
19 have to refer to Exhibit CP-D if I could. If it
20 could be --
21

22 Q. Brought out?

23 A. -- so I could use it.

24 Q. We have crossed you up. Please
25 proceed.

26 A. I would prefer to refer to
27 CP-D insofar as it clearly indicates the location of
28 Powell Siding and also the area adjacent to Powell
29 Siding.
30



1 If in a review of the operation of
2 trains 937/942 in the event that we are permitted
3 to use Powell Siding the following procedures would
4 prevail.

5 THE CHAIRMAN: Mr. Chalmers, I
6 hate to interrupt but do you think it is possible
7 to move that small easel back about a foot so that
8 the members of the public could have a chance to
9 see it.
10

11 MR. CHALMERS: That is in the
12 course of being done while I am asking the question.
13 I am sorry. The confusion is entirely my fault. I
14 am sorry. I forgot the witness would need CP-D.
15

16 - - -
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D.1
PC/ko

1 A. In the handling of train 942,
2 and 937, assuming Powell Siding were available, 942
3 would leave Rougemere yard, and as 942 progresses
4 from Detroit towards Rougemere, there is accident
5 communication between the Chessie people and our own
6 people handling the operation in Windsor yard.
7

8 We know, for example, if there are
9 going to be any extreme delays to 942 due to train
10 accidents or weather conditions or whatever may
11 prevail. We, therefore, have a pretty good indication
12 of what 942's performance will be.

13 Q. Do you control this operation,
14 Mr. Nutkins?
15

16 A. No. We have no control over
17 the operation of 942 while it is on the Chessie
18 system. We merely have good communications to keep
19 us well informed as to its performance and its
20 expected arrival time at Rougemere yard.
21

22 Assuming that the train has had a
23 normal performance from Chicago, and has arrived at
24 Rougemere yard, there are certain operations which
25 must take place within Rougemere yard, conducted by
26 the Chesapeake & Ohio staff. For example, the full
27 train inspection is made in accordance with the ICC
28 requirements of the U.S. Government.
29

30 There would be certain documentations



D 2

1 that take place through Rougemere which would be
2 the normal operation. Interchange documents,
3 Customs papers and documentation such as that would
4 take place.

5 Assuming this has all been taken care
6 of, the Chesapeake & Ohio crew, which is actually an
7 assigned switch crew, switch assignment, under control,
8 or, not necessarily under full control on this parti-
9 cular train, but they are Chesapeake & Ohio employees,
10 if I may put it that way. They will come on duty and
11 they will couple the train and make the required
12 brake test. The requirement being ICC requirements.
13 I would say they are identical to the requirements
14 laid out on our own Canadian roads.

15 The train will then commence its
16 movement from Rougemere yard to, in this case, Powell
17 Siding.

18 Q. Before it does, Mr. Nutkins,
19 does that matter of the switching yard, is that going
20 to subsequently become relevant to Mr. Woodard's
21 question about restraints on crews? Perhaps I am
22 wrong ---

23 A. The switching yard ---

24 Q. The switching -- you used the
25 railroading expression to explain ---

26 A. They are a switching or a yard

27
28
29
30



D 3

1 assignment, if I may, as opposed to a road assignment.

2 We have two classifications basically
3 in the running of trains. It would either be in the
4 running -- or, the main line or the -- well, main
5 line crews is what we would refer to them as main
6 line crews or yard crews, yard assignments.

7
8 In this particular case, this train
9 is manned by yard assignment -- recognized C&O yard
10 assignments.

11 Q. Does C&O make that decision
12 or do we, or do you?

13 A. This would be the decision
14 under the control of the Chesapeake & Ohio.

15 Q. I am sorry to interrupt you.
16 You were just getting out of the Rougemere Road --
17 Rougemere yard with the 942.

18 A. As the train then proceeds
19 from Rougemere yard, being this is train 942, it
20 proceeds over Conrail trackage under the control of
21 the Conrail train dispatcher. The Conrail terminal
22 train dispatcher will make his judgments and his
23 decisions and will instruct the appropriate people
24 who are controlling the various interlocking plants,
25 which are simply signals controlling movements
26 through control points.

27 He will instruct them, as he sees fit,
28
29
30



D 4 1 and the train will move toward the Detroit/Windsor
2 tunnel. Armed with the information, the expected
3 departure from Rougemere yard, our people in the
4 Windsor office will order a Windsor -- or a London
5 road crew to handle train 942 from Windsor, or in
6 this case, from Powell Siding to London and this,
7 of course, is done on a first in, first out basis.
8 The crews standing first out at the time would be
9 called to handle train 942.
10

11 So, as I say, armed with the infor-
12 mation relative to its departure from Rougemere yard,
13 in accordance with that information, we will order
14 the crew. The crew will be on duty and be on hand
15 and they will ---
16

17 Q. On hand where?

18 A. On hand at the yard office.

19 Q. In Windsor?

20 A. In the Windsor yard office.

21 Q. Thank you.

2 22 A. Prepared to be taken to Powell
23 Siding.
24

25 When train 942 is actually entering
26 the tunnel, and at this point we then have
27 assurances that the train is, in fact, on its way
28 finally, without any further interruption, barring
29 any untoward interruptions, it will then -- we would
30



1 feel very secure that the train will proceed through
2 the tunnel along the appropriate route and enter
3 Powell Siding.

4 Once the train gets onto the Canadian
5 side, and leaves the Conrail trackage, it runs over
6 the Essex terminal eastbound track to a point very
7 close to McDougall Avenue and to indicate McDougall
8 Avenue, it is at the point, on Exhibit CP-D, where
9 the Essex terminal track connects with the CP main
10 line.
11

12 At this point, the train will enter
13 the CP Rail CTC System, or Centralized Traffic
14 Control System, and this means simply that all
15 switches related to the movement of that particular
16 train from -- as it leaves the Essex terminal track-
17 age, enters upon the Canadian Pacific main line
18 trackage and, hence, into -- makes its entrance into
19 the south Powell Siding.
20

21 All the switches will be lined for
22 that movement and the signal indications will be
23 such as to permit him to make an uninterrupted
24 entrance into Powell Siding.
25

26 As I have indicated, we know when the
27 train enters the tunnel and at this point we feel
28 secure with respect to the time the train will arrive
29 at Powell. At this point in time, we would have the
30



1 train crew handling train 942, transported by crew
2 bus, from the yard office, to the Howard Ave. end
3 of the Powell Siding.

4 Q. Before you start the crew
5 movement. It is very grade one I know. You have
6 indicated that 942 is approaching Powell Siding along
7 the Essex terminal track and have you left certain
8 trackage now used aside and are no longer using it.
9 I did not hear you talking about the loop track and
10 so on.
11

12 A. Oh, yes. As I previously
13 indicated, in the illustration of the movement as it
14 presently exists, and the movement as we would propose
15 to have it occur, the train, as proposed, would
16 completely bypass the loop track and, of course, into
17 and out of the yard arrangement. It will go directly
18 along, again, referring to Exhibit CP-D, it would go
19 directly along the Conrail main line. One of the
20 two Conrail main lines, as it exists, from the tunnel,
21 past the Conrail station, along the route, shown here
22 in yellow, past the junction point of the C&O loop
23 track, onto the section shown in red, which constitutes
24 -- excuse me, constitutes, I think, approximately 1400
25 feet of Conrail trackage. At this point, it enters
26 upon Essex terminal trackage, continues on Essex
27 terminal trackage along the route shown as red, enters,
28
29
30



1 as I previously indicated, onto the CP main line,
2 under CTC control, and crosses Howard Avenue into
3 the south Powell Sidings.

4 Q. And you were about to get the
5 crew out to the oncoming 937 when I interrupted you
6 for that explanation.

7 A. The crew assigned to the
8 operation of 942 from Windsor, or from Powell Siding,
9 to London, would be transported by vehicle to the
10 Howard Ave. end of Powel Siding.

11 The two tail end members of the crew,
12 being the conductor and rear train man, will be let
13 out at the Howard Ave. end and they will stand, one
14 on either side, of the south Powell Siding to be in
15 the proper position to give 942 a run-by inspection
16 as it enters, which, in accordance with the rules, is
17 an action that must be taken at every opportunity and
18 this is an opportunity for a run-by inspection. So,
19 the run-by inspection would be performed in this
20 manner.
21
22
23

24 The vehicle that still has the
25 engineer, possibly fireman, and head end train men
26 would then proceed along Ypres Ave. and would take
27 it -- one of the five streets perhaps Turner Road,
28 whatever road would be chosen, to a point near the
29 east end of the Powell Siding where the head end crew
30



1 would then go to the east end of the south Powell
2 Siding and be in a position to enter on the diesel
3 unit, as the incoming Chesapeake & Ohio head end
4 crew detrains.

5 At the same time as when the train
6 stops, at the same time as the head end crew are
7 getting in position on the diesel electric
8 locomotive, our conductor, the CP conductor, and
9 CP tail end train men will be positioning themselves,
10 having made the run-by inspection in the caboose.
11

12 Instructions will be given to the
13 engineer to conduct a number 2 brake test as
14 required and, having performed a number 2 brake
15 test, and providing that all the documentations,
16 waybills and the Customs manifests, have already
17 been taken care of, and have been delivered to the
18 conductor on the train, the train is now, to all
19 intents and purposes, ready to depart from Powell
20 Siding and continue its trip to London.
21

22 I think this pretty well covers the
23 movement of train 942 from Rougemere into South
24 Powell Siding and its preparation for departure
25 from South Powell Siding. At the same time, as
26 these events have been taking place, we realize we
27 have a train 937 operating from Montreal, Toronto,
28 through London, to Windsor. This train, CP Rail, of
29 course, have complete control of.
30



E-1

NGeg

1 We have the means whereby we can, if necessary,
2 delay the train or do whatever is necessary to
3 achieve what I would refer to as a well co-ordinated
4 meet at Powell Siding. And assuming that this has
5 been done and in, I would say in most cases this
6 can be done. 937 would probably be entering the
7 north Powell Siding at precisely the same time or
8 in a very close time span related to 942's movement
9 on the siding. It would be entering the north
10 Powell Siding and the CP crew that is operating
11 that train would then be taken off the train and
12 would be transported back to the yard office where
13 they would book off in due course. But we are now
14 at the point where 937 has entered the north Powell
15 Siding.

18 Q. Before you get to that point,
19 although Canadian Pacific has complete control
20 over 937, is it always going to be possible to
21 hold back 937 in the manner you have indicated to
22 make the sort of meet you would like to have as far
23 as the Powell Siding operation is concerned?

25 A. Not always, this is quite
26 correct. And it's only fair that this should be
27 pointed out that from time to time there most
28 certainly can be operational difficulties of which we
29 are fully aware. In this regard I guess all I can
30



say is that every effort would certainly be made to fine tune this particular operation to a point where barring any operational difficulty over which we would not have any control, we would make a very earnest endeavour to make this meet as good a meet as possible. Bearing in mind, of course, that there will be times and occurrences that will make it difficult and perhaps impossible.

Q. Apart from operational difficulties will there be commercial reasons involving other traffic or whatever, any circumstances of which you know apart from operations that might make it difficult for you to achieve this objective of a perfect meet.

A. There may well be but we would hope to be able to control these. Certainly there are operations in the area of Windsor that could intervene and could complicate it. But frankly this is one of the reasons why we feel that Powell Siding is located in the place where it must be located.

Q. Fine, we will come back to that when we deal with that.

Now I am sorry I interrupted you. You had the two trains, I think, in the Powell Siding?



E-3

1 A. Yes, we are now in a position
2 to carry out the transporting or transferring of
3 the Chesapeake & Ohio arriving crew which has handled
4 train 942 into the south Powell Siding. The head
5 end crew, of course, will be detraining at the
6 Walker Road end of the siding and the tail end
7 crew will be detraining from the Howard Avenue
8 end.
9

10 It is simply a matter now of
11 transporting the head end crew to the, the head end
12 Chesapeake & Ohio crew from the Walker Road end to
13 the Howard Road end where they will entrain on the
14 diesel electric units. The reverse, of course,
15 would be that the tail end Chessie crew, which is
16 detrained at Howard Avenue would be transported to the
17 Walker Road end to enable them to entrain at the
18 rear of train 937. And at this point I would
19 point out that in any situation where it is
20 possible, bearing in mind the timing of the trains,
21 the Chesapeake & Ohio outbound conductor could be
22 taken to an end that would permit him to again
23 conduct a run by inspection of his train leaving.
24
25

26 Having carried out this crew change,
27 and incidentally by this time the 942 will have
28 long since left Powell Siding and will be on its
29 way toward London. It is simply a matter now of
30



E-4

1 receiving approval of the Conrail terminal train
2 dispatcher or an indication from the Conrail
3 train dispatcher if he is prepared to accept train
4 937's movement into the Detroit terminal area.
5 He will --

6 Q. Now -- go ahead.

7 A. He will be kept fully
8 apprised of how things are going with the change
9 off at Powell Siding through communication with
10 him at all times. And he will be told that 937
11 will be ready to leave the Powell Siding at a
12 certain time.
13

14 If he can then give his permission
15 he will so indicate. And he will line or cause
16 the appropriate signals and appropriate route to
17 be committed to the movements of train 937. And
18 the appropriate signals will be lined to accommodate
19 this movement.
20

21 Having gotten to this point, and
22 at this point incidentally I should go back one
23 step and indicate that as soon as the crew has been
24 placed on the head end and tail end, this is the
25 Chessie crew, on the head end and tail end of
26 train 937, they will conduct the required No. 2
27 brake test and will be in a position to proceed on
28 instructions. If the Conrail terminal train
29
30



E=5

1 dispatcher is ready to take the train he will so
2 indicate. Our operator in the Windsor yard who is
3 stationed in the Windsor yard office and controlling
4 our CTC or Centralized Traffic Control panel will
5 automatically line the switches at the west end of --
6 I am sorry, yes the west end of the north Powell
7 Siding and the switches necessary to line the
8 movement from the CP main line in the area
9 McDougall Avenue onto the Essex terminal trackage.
10 This will all be done automatically and it will not
11 require a train man to line the switch manually.
12 And then we have to line the switch back as they
13 make their exit.
14
15

16 None of this is necessary because
17 of the CTC operation. As soon as the operator has
18 been given an indication that the Conrail dispatcher
19 is prepared to accept the train he will line the
20 switches and bring in the appropriate signal
21 indication, indicating to the engine man on the
22 train 937 that he has permission to leave Powell
23 Siding. He will leave the siding as indicated
24 previously along the reverse route, coming out of
25 the north Powell Siding. And I am now referring to
26 Exhibit CP-D. Out of the Powell Siding, across
27 Howard Avenue, onto the Essex terminal trackage in
28 the area of McDougall Street, following the red line
29
30



E-6

1 along the Essex terminal to the point approximately
2 1400 feet west of the C&O loop track junction where
3 it enters the Conrail trackage.

4 At this point, at a point just
5 about, or just before you come to the connection
6 of the C&O loop track he passes or receives his
7 first signal indication which is controlled by the
8 Conrail terminal train dispatcher through the use
9 of an operator who is located at the Conrail station
10 and whose responsibility it is to follow the
11 Conrail dispatcher's instructions and line the
12 appropriate routes on the Canadian side of the
13 tunnel.
14

15 The light therefore will be lined,
16 will indicate, display the proper indication to
17 proceed through. And I would say in no case would
18 the train come to the light and have it not lined
19 unless there were a signal failure of some kind.
20 The train would then, of course, proceed along the
21 Conrail lead shown in yellow, onto one of the two
22 Conrail main lines on the Canadian side, through
23 one of the two tubes of the Detroit/Windsor Tunnel
24 and onto the Conrail trackage on the U.S. side,
25 proceeding along Conrail trackage towards Rougemere
26 yard.
27

28 Q. Now you mentioned a number of
29
30



E7

1 times in the body of that evidence the use of CTC
2 control and the automatic line of switches that
3 follows from that. I think it's in evidence now,
4 but is that available? In what degree, if any, is
5 that available now? Going up to the yard from the
6 main line where Powell is located and out again
7 over the loop track.
8

9 A. Insofar as the CP Rail plant
10 is concerned the CTC section extends from the
11 Walkerville passing siding, which unfortunately is
12 not shown on this map, but would be at -- I am
13 not just certain of the mileage.
14

15 Q. We will come to an exhibit
16 showing that in a moment.

17 A. At any rate the CTC section
18 on CP Rail extends from Walkerville through to the
19 Essex terminal cut-off and beyond on the CP main
20 line to a point at Mileage 110.8 on the Windsor
21 subdivision which is just west of Tecumseh Avenue.
22

23 The CTC system then really extends
24 from Walkerville Junction, I'm sorry, from the
25 Walkerville passing siding along the main line to
26 Mileage 110.8 at Tecumseh Road, and to a point
27 somewhere east of -- I'm sorry, somewhere west of
28 the connection located onto the Essex terminal
29 track located at Dougall Avenue.
30



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(Chalmers)

513

E8

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I cannot say precisely how many feet the CTC plant extends into that location, but I would say that it is a sufficient distance to accommodate the Powell switches in that area and the signals associated with the Powell switches.

- - -



F.1
MJC/ko

1 Q. Now this might seem a minor
2 point but we might as well deal with it now. Is
3 there any question of that Chessie crew going for
4 lunch in the operation that you would hope to
5 conduct?
6

7 A. Yes. There is always this
8 possibility and it is certainly my understanding
9 that during the performances at Powell Siding as
10 they were conducted sometimes in the past, this
11 constituted a very real problem.
12

13 I personally (and at this point I
14 should point out that at the time the route that I
15 have just described, using Powell Siding was not
16 the route that was followed during that period of
17 operation), this was a very circuitous route that
18 involved the same train or same trains going -- and
19 I am afraid I can't really illustrate it on the
20 diagrams here but perhaps I can verbally explain to
21 the best of my ability. The train would then have
22 come out of the tunnel and remained on the Conrail
23 main line shown on Exhibit CP-D as a double track
24 main line instead of making the cutoff towards the
25 Essex terminal track. It would remain on that main
26 line and it would proceed on Conrail trackage to a
27 location referred to as the Pelton Junction. At this
28 point the train would have to be reversed and the
29
30



F 2 1 operation at that time involved the road engines on
2 one end and a smaller yard engine on the other to
3 enable the train to move in either direction because
4 of the fact that the direction of the move had to be
5 reversed at Pelton Junction and actually go around
6 what we referred to as Y track onto Chessie trackage
7 and come in eventually along the Chessie trackage
8 where it crosses CP Rail level crossings and what
9 we refer to as the C&O diamond and, at this location,
10 there would be -- I think you can pick the point I
11 am describing now again on CP-D in the bottom right
12 hand corner of the diagram. The Chesapeake & Ohio
13 Railway is shown and you can see a track that connects
14 the C&O trackage to the CP main line coloured in
15 yellow.
16
17

18 Under this system the train -- a
19 reverse movement was made from a point down at
20 Pelton Junction along the C&O track, around this
21 curved track onto the CP main line over Walker
22 Avenue or Walker Road and into the opposite end of
23 Powell Siding.
24

25 This would be the east end of Powell
26 Siding. This was, as I have described it, an
27 extremely circuitous route and I feel that it had
28 to be much more time consuming, much more complicated
29 and I would suggest that probably there would be much
30



1 more potential interferences with the actual train
2 movements along that particular route than what there
3 would have been on the route that we propose and the
4 route that we would hope to be able to follow.

5 For this reason, addressing myself
6 again to the question of crews eating, I think for
7 this reason we do certainly expect to have the
8 Chessie crew arriving at Powell Siding in less time
9 than they were arriving prior to or during the
10 previous operation.

11 Under the terms of the Chesapeake &
12 Ohio Collective Agreement a yard crew -- the Railway
13 is permitted to put the yard crew to their lunch time
14 I believe between four and four and a half hours after
15 the commencement of duty and I am pretty sure I am
16 correct in those figures.

17 This is at the option of the Railway.
18 The four -- I am sorry, five hours and 40 minutes
19 after coming on duty the Railway then loses its
20 option and the absolute rule of the Collective
21 Agreement allows the Chesapeake crew to more or less
22 be in a position to dictate and they can say, after
23 five hours and 40 minutes "Sir, I want to eat." and
24 there would be no way of denying them this right to
25 eat and, of course, this is the situation that the
26 operations found itself in on many occasions and
27
28
29
30



1 caused serious delays; I would suggest up to an hour
2 complying with this Collective Agreement requirement
3 that the crew be allowed to eat after five hours and
4 40 minutes.

5 I would suggest that with the type of
6 operation that we would like to see happen if allowed
7 to use Powell Siding, I would suggest that in most
8 cases, barring any real difficult situations or
9 derailments on the American side or signal failures
10 on the American side, I would suggest that we would
11 have every reason to anticipate that the crew would
12 be over the route we proposed into North Powell
13 Siding -- I am sorry -- into South Powell Siding
14 onto the train 937 in North Powell Siding, the brake
15 test completed and ready to go well in advance of
16 the critical five hours and 40 minutes time.

17 This, of course, would mean simply
18 that the lunch hour requirement would not be
19 necessary and the crew would leave and proceed to
20 Detroit.

21 Again to be completely fair and frank
22 we must accept the fact that there could be a
23 possibility that because of traffic problems or what-
24 ever problems might exist on the terminal track in
25 Detroit, the Conrail dispatcher will be required to
26 delay the departure of 937 to such a point where we
27
28
29
30



1 come to the five hour and 40 minutes lunch require-
2 ment at which time we would (and when I say "we" I
3 mean the staff that would be supervising and I might
4 add closely supervising the changeover and the
5 operations at Powell Siding), they would deliver the
6 Chessie crew to a restaurant along I believe in the
7 Walker Road area and they would have their lunch and
8 be driven back immediately to the train prepared to
9 go on instructions, but I would again, to the
10 question of lunches -- I would certainly anticipate
11 that the lunch problem would be very much minimized.
12

2 I can't, in all honesty, say that it
14 would be absolutely eliminated. I would be untruthful
15 if I so stated, but I can state that I feel quite
16 earnestly that it would be very much minimized with
17 the type of operation that we propose.
18

19 Q. Now very much along the same
20 lines, Mr. Nutkins, given the career you have had and
21 the background you have had in railroading, do you
22 have a view as to the maximum time that either of
23 these trains would remain on Powell Siding if you
24 were permitted to use it as you seek, as Canadian
25 Pacific seeks?
26

27 A. Yes. I feel quite secure in
28 saying that, again with the qualification, sir, that
29 anything can happen from time to time, but assuming
30



1 that we have a reasonably normal operation and the
2 movement is properly supervised, which I assure you
3 and give you my personal assurance it will be
4 properly supervised -- I would say that there would
5 be no need, under normal circumstances, for the
6 trains to be in Powell Siding any longer than 25 or
7 say 30 minutes, and I would suggest that on many
8 occasions it would be less time than that ---
9

10 THE HEARING PROCESS OFFICER: Order
11 please.

12 MR. CHALMERS: Q. My question was
13 the maximum time in your opinion for the 937 or 942?
14

15 A. I would say 25 or 30 minutes
16 would be the maximum time, but if (and I have
17 qualified that by saying that means that everything
18 is working properly and there have been no delays),
19 but I would be less than honest if I didn't also
20 add to that that if there were any serious delays
21 we would not have the train -- we would not permit
22 the train to remain in Powell Siding in excess of
23 four hours.
24

25 If we have a serious situation that
26 requires that then we would feel disposed to handle
27 it, to do something else to eliminate that problem
28 and move the train out.
29

30 We would certainly undertake to assure



1 that the train would never stand in Powell Siding
2 in excess of four hours.

3 Q. And how about the possibility
4 of construction of a third track on the 96-foot
5 right-of-way -- a fourth track on the 96-foot right-
6 of-way of Powell Siding?
7

8 A. I can categorically state that
9 the facilities that are now there, being our main
10 line and a north siding and a south siding are all
11 the tracks that CP Rail requires and all the tracks
12 that CP Rail intends to build there.
13

14 Q. And are those the instructions
15 from those who supervise you?

16 A. Yes. I certainly have the
17 full concurrence of my General Manager and Vice
18 President to so state.

19 Q. Now how about the use of
20 Powell Siding to hold trains or boxcars or tank
21 cars or cars or trains of any kind. Have you any
22 views or instructions on that?
23

24 A. With regard to the holding of
25 any trains, I would say first of all that the holding
26 of trains in Powell Siding completely defeats the
27 purpose for which Powell Siding was intended.
28

29 Powell Siding was intended to facili-
30 tate and improve the efficient movement of traffic



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(Chalmers)

521

1 to and from the gateway. In no way was it intended
2 and I can certainly give an absolute commitment that
3 the trackage will not be used for holding traffic.
4 It will be used purely and simply for the operation
5 of trains to and from the Detroit gateway as
6 described.
7
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PCeg 2

A. It will not, and I repeat, it will not be used for the storage of cars or the holding of trains beyond what I have, at this point, indicated.

Q. And is that a corporate commitment you are authorized to give by those who supervise you?

A. That is indeed a corporate commitment and I have full permission to so state.

Q. Now, again we go back, Mr. Chairman and Members of the Commission, to Grade 1.

Is there any sense in which (and of course I am in kindergarden when it comes to this stuff) is there any sense in which Powell Siding, as you described its operation, or even Powell Siding, the physical trackage that is there, could be described as a marshalling yard.

In saying that, perhaps you should describe what you, as an experienced railroad man, understand by those words.

A. No. In response to that question I realize that there have been many, many references to Powell Siding as a marshalling yard.

While I respect the people's right to call it what they see fit to call it, in my experience as a railroad man, I would have to say



G-2

1 Powell Siding is anything but a marshalling yard.

2 In yesterday's evidence I went to
3 great lengths, I believe, to try and illustrate to
4 anyone who wanted to truly understand the operation
5 of a marshalling yard. I went to great pains to
6 show and to illustrate what a marshalling yard is
7 all about, that it requires a switching lead and
8 it requires a certain number of tracks connected
9 by hand throw switches to the switching lead, which
10 allows cars to be moved, or propelled, along the
11 switching lead and put into the appropriate track,
12 the track to which they have to be sorted, or
13 switched.
14

15 Now, this Windsor yard, and I am
16 indicating Exhibit CP-C, with the arrival unit
17 shown or shaded in yellow, and the departure yard,
18 shaded in red, these, in a railway man's under-
19 standing, is indeed a marshalling yard. It is
20 a far cry from the situation or the facilities
21 that we have at Powell Siding.
22

23 To further illustrate this, and
24 perhaps to aid some people understandably who
25 do not really recognize the difference between a
26 marshalling yard and the facility at Powell Siding,
27

28 I would first of all indicate that
29 Powell Siding is equipped at each end, at the east
30



G-3

1 end and west end of both the north and south
2 Powell Sidings. They are equipped with power
3 switches, power switches that are operated
4 automatically by our operator located in Windsor
5 yard.
6

7 There is, in my opinion, there is
8 really no logical way that switching operations
9 could be performed ---

10 Q. Over Powell?

11 A. Over Powell, operated
12 switches at a location such as Powell Siding.
13 Marshall or switching operations require hand
14 throw switches. The only exception to this, in
15 my career on the railroad, the only exception
16 would be in hump yards such as our Toronto,
17 Agincourt yards which there are indeed power
18 switches operating or aligning the routes into
19 the various classification tracks but this is an
20 extremely sophisticated system, computer-operated.
21
22

23 In a humping operation the train
24 is moved over the hump. The cars are cut off
25 in accordance with the switching instructions.
26 The cars move by gravity down an incline towards
27 the classification yard and through a computer
28 system, which I do not profess to fully under-
29 stand, power switches are automatically lined so
30



G-4

1 that those cars can go into the various classification
2 tracks, but in no way, absolutely no way, could there
3 be any comparison made between Toronto, Agincourt
4 yard and the facility at Powell Siding where power
5 switches are in use.
6

7 Furthermore, I would say, it would
8 be -- it would be pure folly and it certainly would
9 be inviting a great deal of trouble if we were
10 even able to perform marshalling, as we know
11 marshalling, in an area such as Powell Siding where
12 the siding is bounded on one end by Walker Road
13 and the other end by Howard Ave. It is just not
14 conceivable that this location could ever be used
15 or should ever be considered as a marshalling area.
16

17 Q. I'm asking you, is it
18 possible to have a marshalling yard with three
19 tracks?
20

21 A. Well, no.

22 Q. I think you said that.

23 A. Well, no. I would say that
24 a marshalling yard of three tracks would be simply
25 inconceivable. It just is not, in the practical
26 railroading sense; it cannot be and I appreciate
27 the fact that people perhaps - I do not expect
28 lay people to fully appreciate, and fully understand
29 the meaning of a marshalling yard any more than I
30



G-5

1 fully appreciate or understand how to take out a
2 appendix, or how to prepare a law case, or how to
3 do many, many things. I do not know. And I
4 suppose I have no right really to expect lay people
5 to know. This is one reason why I really appreciate
6 the opportunity to fully explain the difference
7 between the facility, the marshalling facility in
8 Windsor yard, as an example, and the facility that
9 now exists at Powell -- perhaps if people can
10 better understand the difference now they may
11 appreciate that Powell Siding is not, and should not
12 be considered, or referred to, as a marshalling yard.

13 THE CHAIRMAN: Mr. Chalmers, perhaps
14 this would be an appropriate time to take a ten
15 minute break.

16 THE HEARING PROCESS OFFICER:
17 Everyone rise, please.

18 --- SHORT RECESS.

19 --- ON RESUMING.

20 THE CHAIRMAN: Please be seated.

21 MR. CHALMERS: Shall I proceed?

22 THE CHAIRMAN: Yes, please proceed.

23 MR. CHALMERS: Q. Now, you have
24 referred in your evidence thus far about what you
25 would do at Powell Siding to 937 going into the
26
27
28
29
30



G-6

1 United States and 942 coming into -- from the
2 United States. And, you have described a meeting
3 between those trains at Powell Siding.
4

5 Now, are there any other trains
6 which you could use this way, which you would do
7 this with immediately when you have got use of
8 Powell Siding -- if the Canadian Pacific gets the
9 use of that siding across the pedestrian crossing ---
10

11 In the immediate future, are there
12 any other trains you could immediately ---
13

14 A. I would say first of all that
15 the only trains that are organized and that we
16 would be able to handle in this fashion, at the
17 present time, would be trains 937/942, Chesapeake --
18 in connection with the Chesapeake & Ohio.

19 I would also add in the future there
20 is always the possibility, and I would be less than
21 frank if I did not so state that there would be
22 the possibility of operating a second C&O train.
23 There may be a possibility of operating an
24 arrangement, or having an arrangement, to operate a
25 train in connection with the Detroit Toledo and
26 Ironton traffic. There may also be an opportunity
27 to arrange a train operation with the Norfolk and
28 Western Railway.
29
30



G-7

1 At the present point in time, I
2 can say quite frankly that the only train we could
3 operate tomorrow, if we were permitted to do it
4 tomorrow, would be the Chesapeake & Ohio trains
5 937/942.
6

7 Some time in the future, for
8 identically the same reasons that we have embarked
9 upon, the policy of operating 937/942 as a run
10 through movement for exactly the same reasons that
11 prevail there, we would certainly, I feel, be
12 remiss if we did not give some full consideration
13 wherever possible to do the same with the
14 various railways that I have just enumerated.
15

16 Q. Would the operation be any
17 different on the Canadian side?

18 A. I, again, in all fairness,
19 there being no negotiations, or no discussion, I
20 certainly - and I think you will appreciate the
21 difficulty in answering that question with any
22 degree of absolute accuracy, but I would certainly
23 be prepared to say every effort will be put forth
24 and we would certainly want to see the same type
25 of operations performed in an extremely efficient
26 manner as we would hope to have with the trains
27 937 and 942, if we were permitted to operate.
28
29

30 Every effort would be extended to



G-8 1 minimize any discomfort or inconvenience to anybody
2 involved to have the operation run as smoothly as
3 possible, taking into account that there are always
4 the possibilities of ontoward instances occurring
5 that may complicate the operation.

6 Q. And have you -- this is again
7 elementary but have you at any time, thus far, given
8 a complete oral physical description of the Powell
9 Siding facility, bearing in mind I think this Panel
10 of the Commission, which is to finish this week,
11 and I do not know if they have looked at it or not.

12 THE CHAIRMAN: Mr. Chalmers, we
13 inspected -- I should not say we inspected but we
14 viewed the siding this morning.

15 MR. CHALMERS: I respectfully am
16 glad you did, sir.

17 Now, ---

18 THE CHAIRMAN: However, I do not
19 want, in any sense, for you to accept that as a
20 substitute for putting in evidence you wish to put in.

21 MR. CHALMERS: Well, I think the
22 record to be complete, should contain a physical
23 description of Powell Siding and I am not at all
24 sure - there are bits and pieces of the evidence
25 thus far and Mr. Nutkins has described the switches
26 and he will be, I know, speaking of the length of
27
28
29
30



G-9 1 the sidings but in a couple of sentences, what
2 does the Powell Siding consist of?

3 A. Powell Sidings consist of
4 what we refer to as a north Powell Siding and a
5 south Powell Siding with a length of track to
6 accommodate 111 car lengths which is computed on
7 the basis of 55 foot cars. The tracks are
8 connected to the main track at both ends by power
9 operated switches under CTC, or Centralized
10 Traffic Control ---

12 Q. To interrupt for a real
13 dumb, even what I know is a dumb question, do the
14 two branches, north Powell and south Powell come
15 into the same, come into the main line at the
16 same point?

18 A. No. They would be staggered
19 to accommodate the turn out to each of the sidings.

20 Q. Fine. I've interrupted you.
21 Is there any further description required for us
22 insofar as the description of the Powell Sidings
23 is concerned?

25 A. I think in simple terms that
26 pretty well covers what the facility is.

27 Q. Now, I want to turn then,
28 Mr. Nutkins ---

29 A. If I may interrupt. Perhaps
30



G-10

1 I should have mentioned, when I mentioned that the
2 Power controlled switches are at each end, I
3 perhaps should have mentioned that these power
4 controlled switches or movements over the power
5 controlled switches are controlled by the appropriate
6 signalling as approved by the Railway Transport
7 Committee. The normal type of signalling that would
8 be required to accommodate movements through a
9 power switch.
10

11 Q. And I think you are coming
12 to this but movements at what speed?
13

14 A. The movements, as the
15 signalling is now designed, the movements into Powell
16 Sidings at both ends, either entering or leaving, would
17 be 15 miles per hour.

18 Q. Thank you.

19 Now, before I pass to the next part
20 of Mr. Nutkin's evidence, I think I should say on
21 the record that the only -- I have nodded my head,
22 nodded my head and pointed my finger on a couple of
23 occasions to Mr. Nutkins. This has only been to
24 tell him or to ask him to turn towards the Panel
25 when he is addressing the Panel.
26
27
28
29
30



H.1
NG/ko

1 I am not obviously endeavouring to communicate with
2 him otherwise.

3 Now I want to turn to probably the most
4 critical and difficult issue, if it is properly an
5 issue which may be a question for argument. In this
6 hearing whether or not the Powell Siding has to be
7 where it is, and I said in opening I am putting in a
8 case on this point, perhaps out of abundance of
9 caution. But on the other hand the actual merits of
10 the case are considered open to you, it is a critical
11 question, and I have always felt that it might be the
12 most difficult question and I am making some reference
13 to it now.

14
15
16 Now basically one of the factors, I
17 will start with a little level of abstraction, a
18 little higher than we are going to be later, do you
19 have any view as to the basic factors which underlie
20 the location of the Powell Siding? What are the
21 fundamentals that govern the location of the Powell
22 Siding if it is to do what you have described?

23
24 A. I think the basic fundamental,
25 the basic requirement as I see it, is to have Powell
26 Siding in as close proximity to the Detroit/Windsor
27 tunnel and the control area of the Conrail system
28 under the control of the Detroit Conrail terminal
29 dispatcher, in as close proximity to this location as
30



H 2

1 possible.

2 Q. And is there another basic
3 requirement? Any other fundamental requirement?
4 If you do not think that there is it may emerge from
5 your evidence in any event. So I am not going to
6 belabour this and embarrass you.
7

8 I would like, sir, while Mr. Nutkins
9 is considering that to enter as Exhibit CP-E, a map
10 of Detroit and vicinity showing railroads published
11 by the Michigan Department of Highways and
12 Transportation, dated 1976. An approximate scale of
13 miles is shown and this is a map where North is at
14 the top.
15

16 I have already placed one copy on the
17 table used by members of the public, I have furnished
18 one to my learned friend your counsel. I would ask
19 that the one on the board be used as the exhibit.
20

21 Is this the map I have been describing,
22 Mr. Nutkins?

23 A. Yes, that's correct.

24 Q. Now there are some entries on
25 a blue line, which I take it from the legend is a
26 Conrail line, which appears to lead from the Windsor/
27 Detroit tunnel. Well if you went straight it would
28 go out to Chicago. I do not think that's maybe, not
29 where you are going to take us. There are some
30



H 3

1 entries made in black - West Detroit Int, MI 2.9,
2 Bay City Junction, Int., MI 2.2, and 20th
3 Street interlocker, and Conrail inter-
4 locker, and 15th Street interlocker.

5 Did you cause those entries to be
6 made in black ink?

7 A. That is correct, sir. I
8 instructed our engineering people to insert those
9 markings.
10

11 MR. CHALMERS: I would tender the map
12 posted on the board to be, if it please the Board,
13 Exhibit CP-F. CP-F I am instructed and I would offer
14 these individual copies for the Panel members, if
15 that would please the Panel.
16

17 And there will be, this is the more
18 difficult one to provide copies of. We will obtain
19 it and the small black entries will have to be made
20 on all the remaining 14 or whatever number it is.

21 I will then tender as Exhibit CP-G,
22 if it pleases the Commission, as the formal exhibit
23 to be hopefully the one on the board, a line diagram
24 location Windsor, CP Rail Eastern Region, being a
25 Plan D-16-62-A dated November 18, 1977 of mileage
26 101.0 to 110.0, the Windsor Subdivision of CP Rail.
27 In other words from just west of McDougall Avenue
28 out to and certainly beyond the point, the siding at
29
30



H 4 1 a place called Elmstead, E-l-m-s-t-e-a-d. I will
2 tender that as Exhibit CP-G, if you care to so mark
3 it. I have furnished copies to your counsel and to
4 the public and those are three copies for the personal
5 use of the Committee.
6

7 Now dealing first with the relationship
8 to the distance from the tunnel, would you like to --
9 I take it there is somebody called a Conrail
10 dispatcher who deals with train 937 as it approaches
11 the United States?

12 A. That is correct.

13 Q. Would you like to deal in your
14 own words with what his problems are and what he has
15 got to do. You could possibly take the mike off, I
16 do not know that anyone can see this. The map is
17 hard to visualize, perhaps I can bring it forward.
18

19 THE CHAIRMAN: Perhaps you could turn
20 towards the public. We have our copies here.

21 MR. CHALMERS: I am ashamed to say
22 that the public would not be able to see it there
23 either but they will try. There is one there.

24 Q. Now we have the Conrail, I
25 have asked you about what about the Conrail
26 dispatcher's chore in dealing with 937.
27

28 THE CHAIRMAN: Perhaps Mr. Nutkins,
29 if you came around to this side you would not be
30



H 5

1 obstructing the view of the people on the left side.

2 THE WITNESS: I did not want to
3 obstruct the view of the Commission.

4 THE CHAIRMAN: Do not worry about us,
5 we have got our maps here and if we cannot follow you
6 we will tell you so.

7
8 THE WITNESS: I believe the question
9 was related to any problem or the responsibilities of
10 the Conrail terminal dispatcher in Detroit. I think
11 preliminary to this it may be helpful if I were
12 possibly to explain some of the markings that I have
13 undertaken to put on the map. I am certain that the
14 terms will probably not mean much to people who are
15 not acquainted with the railway operation for
16 completely logical reasons.

2 18 Looking at the route outlined in blue
19 which referring to the legend is the Conrail trackage,
20 as you come through the tunnel under the Detroit
21 River the first point indicated is referred to as the
22 15th Street interlocker, mileage 1.2. The second
23 point shown is the Conrail depot mileage 1.4. The
24 next one is the 20th Street interlocker, mileage 1.6.
25 The next one is the Bay City Junction interlocker,
26 mileage 2.2. The next one is the West Detroit inter-
27 locker, mileage 2.9. Now these mileages are the
28 mileages on the particular Conrail line and are
29
30



H 6

11 mileages that are taken directly from the Conrail
2 timetable.

3 Next a brief explanation of the term
4 interlocker. An interlocker is simply an area where
5 diverting routes are made possible. In reference to
6 the 15th Street interlocker for example, it is at
7 the 15th Street interlocker where you would find a
8 cross-over connecting the two main tracks that run
9 through the Detroit/Windsor tunnel from the
10 Canadian side right through the tunnel to the
11 American side.
12

13 There are two cross-overs there and
14 these cross-overs permit the terminal dispatcher in
15 essence to use either the eastbound tube through the
16 tunnel or the westbound tube through the tunnel. And
17 it is the function of the, the mechanical function of
18 an interlocker really is to accommodate the movement
19 from one track to another or vice versa.
20

21 The same explanation, of course,
22 prevails at the 20th Street interlocker, the Bay
23 City Junction interlocker and the West Detroit
24 interlocker. And in some cases there are more
25 complex connecting routes than what we would find
26 at the 15th Street interlocker.
27

28 On the American side of the tunnel,
29 as I have indicated, there are two tubes, they refer
30



H 7 1 to them as two tubes, they are two separate tracks
2 through the tunnel below the river. They, of course,
3 correspond with the two main line tracks on the
4 Canadian side and the two main line tracks on the
5 American side.
6

7 The problem that the Conrail terminal
8 dispatcher is faced with, or confronted with, is a
9 very simple problem as far as railway people are
10 concerned. But in the way of a full explanation
11 referring to my own association or contact with, if
12 you will, my chief train dispatcher on the London
13 Division. My chief train dispatcher is responsible
14 to account for any delays in train traffic occurring
15 on the London Division as a result of any faulty
16 handling or mishandling of the trains, poor meets
17 or delays of any kind that could be attributed to
18 or could have been prevented by his staff of train
19 dispatchers doing their job properly.
20

21 Given this fact I think it is under-
22 standable then, referring again to the Detroit
23 terminal train dispatcher, he understands very well
24 what his responsibilities are within his territory
25 in the Detroit terminal. He is the man who must
26 take into consideration many, many movements within
27 the Detroit terminal. There are the trackage
28 arrangements in the area which are extremely complex.
29
30



H 8

1 There are very many connecting roads
2 in that area. It's a job that I am sure from time
3 to time is very difficult.

4 --- EXHIBIT NO. CP-F: Map of Detroit and Vicinity
5 showing railroads, published
6 by Michigan Department of
7 Highways and Transportation,
8 dated 1976.

9 --- EXHIBIT NO. CP-G: A line diagram, Plan
10 D-16-62-A, dated November
11 18, 1977.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30



I-1 1 And he must, of course, be extremely careful and
MJCEg 2 always cognizant of the fact that if a train or trains
3 have been delayed he would be called upon to give a
4 full explanation to superiors.

5 Now given this fact the train
6 dispatcher in Detroit when it comes to a point where
7 he has been requested to accept, in this case we
8 will say train 937, train 937 is on the Canadian side
9 and at the present time it will be in Windsor yard
10 but perhaps it would be in Powell Sidings but either
11 way when he is requested to accept train 937 he must,
12 first of all, take into consideration all the other
13 movements.
14
15

16 He can't direct his attention
17 entirely to the movement of train 937. I would be
18 most please, frankly, if he could do this and would
19 do this but certainly he cannot and will not. He
20 has a responsibility for movements of other traffic
21 with the same efficiency that we would expect him
22 to use to handle ours so he, at that point in time,
23 must consider a vast number of movements within the
24 terminal. He has at his disposal, as I have
25 already indicated, the two tracks through the tunnel
26 and the two main line connecting tracks on both
27 sides of the tunnel. He has all of these interlockers
28 where other traffic might be directed into the main
29
30



I-2

1 track or out or off the main track. All these things
2 he must take into consideration and at the best of
3 times it is a pretty difficult job but when he does
4 decide, when he does make the decision to accept
5 train 937 I believe it's important to understand
6 that what he is doing in essence is committing a
7 single, one of his two main tracks from a point
8 that really isn't shown on here but people can pick
9 it up very rapidly from other displays and it's a
10 point where the C&O loop joins the Conrail track
11 on the Canadian side.
12
13

14 From that point ---

15 Q. Mr. Chairman, it is on CP-D
16 I believe.

17 A. That point would be shown on
18 CP-D as the intersection between the C&O loop track
19 and the Conrail trackage in Windsor.
20

21 From that point to the Detroit or
22 to the West Detroit interlocker is a distance of 4.6
23 miles in length.

24 I would point out that that 4.6
25 miles of length embraces Conrail trackage on the
26 Windsor side to the extent of -- again referring to
27 CP-D -- it embraces the Conrail trackage from 1400
28 feet west of the C&O loop track connection to the
29 C&O along that lead track shown in red and yellow,
30



I-3

1 along one of two main tracks passing over top of
2 Tecumseh Road, past the Conrail Windsor depot,
3 down the incline into the tunnel, through the
4 tunnel to the Detroit side.

5 Out of the tunnel, past the
6 various interlockers that I have mentioned or
7 indicated right up to the west Detroit interlocker.
8

9 As I have indicated this is a
10 distance of 4.6 miles. Within this 4.6 miles I
11 have, to the best of my ability, described the
12 trackages involved and I would have no hesitation
13 in saying that if I were the Detroit Terminal
14 trains dispatcher I would be very very conscious
15 and I would certainly want to assure myself that
16 I were not making a mistake in committing that
17 length of track to a movement of train 937.
18

19 I think that it is a decision that
20 he must of necessity take very seriously and must
21 weight many many factors and must eventually
22 commit himself to that decision and if anything
23 happens bear in mind that he will have to answer
24 for it.
25

26 Q. Now do you feel that you
27 have said all you need to say about the significance
28 or otherwise --- It is a double track that this
29 gentleman is dealing with, is that right?
30



I-4

1

A. Yes. It's a double track

2

arrangement and when he commits that length of

3

track to the movement of a particular train, in

4

this case 937, he loses the use of that track

5

until such time as 937 has completed its movement

6

through that area and, I would point out, that

7

in the case of a train in excess -- any train in

8

excess of 80 car lengths he must be prepared to

9

take that train as far, at least as far as the

10

home signal at the West Detroit interlocker.

11

12

The reason for this being that

13

any distance short of that or a train exceeding

14

80 car lengths would result in the tail end of

15

that train fouling or failing to clear the 15th

16

Street interlocker which would effectively tie

17

up the tunnel operation and not permit him to

18

make movements not only through the track by

19

which that particular train is operating but in

20

many case he wouldn't be able to cross a train

21

over onto another track because our train would be

22

afoul of the 15th Street interlocker and that

23

would effectively eliminate the use of it.

24

25

26

It is for this reason that he

27

must be very careful in his decision to accept

28

such a train. He must be very careful to accept

29

one of their own trains, a Conrail train that he

30



I-5

1 has going to move from the Conrail main line in
2 Windsor that has perhaps arrived from Niagara
3 Falls through St.Thomas. He must be equally careful
4 about the handling of that train through the tunnel
5 for precisely the same reasons, and if I may add,
6 I started out to explain, I believe, the reason why
7 we feel that it is absolutely essential that we
8 have Powell Sidings in as close proximity as
9 possible to the tunnel and to the Conrail trackage.
10

11 I think that this certainly
12 demonstrates our reasons for feeling this way.
13 Unless we have Powell Sidings or if we refer to it
14 as the starting point -- unless we have the
15 starting point of the train as close to the tunnel
16 as possible our ability to respond to the
17 permission to proceed on signal will be seriously
18 impaired or hampered.
19

20 Our reliability if you will, will
21 be certainly in question and I am sure that if I
22 were the terminal train dispatcher in Detroit I
23 would be wanting to have some assurance within myself
24 that I could rely on the fact that train 937 or
25 any other train will respond as quickly as possible
26 to the permission to proceed towards Detroit, to
27 traverse the route as quickly as possible according
28 to all the rules involved and clear the area in
29
30



Nutkins, dr.ex.
(Chalmers)

I-6

1 order for him to address his attention to other
2 movements which may be and probably will be waiting
3 to be handled over the same trackage.
4

5 Q. Well, Mr. Nutkins, in time,
6 given the considerations that you are describing,
7 the normal conditions, how far away (and the
8 restraints which prevail on speed which you are
9 familiar with), how far away in time is Powell
10 Sidings from the Conrail light from the Conrail
11 trackage on the Canadian side -- whatever trackage
12 the dispatcher - the Conrail dispatcher has to
13 consider?
14

15 A. If I understand the question
16 you are asking for the distance from the starting
17 point, if you will, to the control point or the
18 entrance into the control area of the Detroit train
19 dispatcher?
20

21 Q. The distance in time involving
22 the use of Powell Siding?

23 A. The distance involved here
24 from departure from Powell Siding to the signal
25 previously referred to as being the signal at the
26 junction of the C&O loop track with the Conrail
27 trackage as indicated on Exhibit CP-D -- the
28 distance I would say is approximately 1.2 miles and
29 in my experience as an engine man I would have to
30



I-7

1 say there would be no problem in having train 937,
2 for example, leave North Powell Siding and hit the
3 light or entrance to the control circuit within a
4 period of somewhere in the range of 5 to 6 minutes
5 living up to all the appropriate rules and I, myself,
6 would have to make an estimation of a speed of 15
7 miles per hour over that distance and I would feel
8 that he would show up on the appropriate control
9 panel or enter the control section or enter the
10 control trackage in approximately somewhere in the
11 area of 5½ to 6 minutes.
12

13
14 Q. So that at worst the train
15 on Powell Sidings is 6 minutes away from the
16 control of the Conrail dispatcher. As a matter of
17 interest, how far away is today's 937 when he has
18 to give it the light in the Windsor yard?
19

20 A. Distance-wise as far as
21 track footage is concerned I would say that possibly
22 (and I am not certain of this) but he would either
23 be about the same distance or maybe even slightly
24 less.
25

26 Q. Well, I am concerned in
27 distance in minutes?
28

29 A. Yes. Well, as I have
30 indicated in respect to feet I am not quite certain
but I am certain about the distance insofar as



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547

Nutkins, dr. ex.
(Chalmers)

I=8

1 time is concerned. I would say that from the time
2 he gets permission to proceed to Detroit and bearing
3 in mind the various manoevers that I endeavoured to
4 display or eliminate in yesterday's evidence I
5 would say he would be at least 30 to 35 to 40
6 minutes doing the various manoevers that are
7 required such as double-over and the brake test
8 and that sort of thing ---
9
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J.1
PC/ko

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At least 30 to 35, or even extended to 40 minutes under some conditions before he finally arrived at the same control point on the Conrail system.

Q. Now, referring to Powell Siding, what, if anything, is there between the train at Powell Siding and the control of the Conrail track by way of interference with its movements?

A. I would say that there are virtually no interferences, or obstructions whatsoever, and, when I say this, I would again direct your attention to the fact, sir, that the movement out of Powell Siding is controlled by Centralized Traffic Control.

There is no need for a switchman to line switches manually leaving -- or for the switchman to restore the switch at the tail end as the train departs as would normally be the case in many sidings that are not controlled in this manner.

The route is lined automatically. No switches to line to get onto the Essex terminal. The movement down through the Essex terminal trackage, I would not envisage any problems there whatsoever.

Before the instructions to proceed have been issued by the Conrail dispatcher, he has, as I previously indicated, he has already lined his



J 2 1 route and he could not give permission until such
2 time as he has lined his route completely through to
3 the point where he has determined he must take the
4 train, otherwise, he would -- the net result would be
5 that the particular train could be hung up in the
6 Detroit/Windsor tunnel. This is one circumstance
7 that Conrail certainly does not look on very kindly
8 in view of the many problems that may result if the
9 train were stopped in the tunnel and had to be re-
10 started. The stresses on the draw bar, given the
11 physical conditions in the tunnel with the decline
12 from or the descending grade, rather, from the
13 Canadian side to a low point in the tunnel and then
14 an ascending grade out of the tunnel to the American
15 side. It would be considered most unwise to set up
16 any situation that would involve the train having to
17 stop in the tunnel.

20 Q. Now, you spoke of a possible --
21 I asked you about possible obstructions and you
22 suggested there were none. In answering that
23 question, just to make sure we have been on the same
24 wavelength, what would you think of in terms of an
25 obstruction to the movement from Powell to the
26 Conrail control?

28 A. I would consider, when I
29 refer to obstruction, I would be thinking in terms of
30



J 3 1 other train movements in the area, or switching
2 movements, or train standing and doing certain
3 things.

4 At this point, I should probably point
5 out, as we traverse that section of Essex terminal
6 trackage, we would be on what is referred to as the
7 eastbound track and the normal use by the Essex
8 terminal, they consider the westbound track is their
9 main line track, and it is normally this track that
10 the Essex terminal would be making what movements
11 they do make.
12

13 They would be making them on the west-
14 bound track. There may be -- there certainly are some
15 circumstances under which they would make movements
16 on the eastbound track, but, from my own experience,
17 they are extremely minimal in nature and are confined
18 really, as I understand it, to a movement where they
19 make a transfer of GTW traffic in that area.
20

21 Q. It is movements on and off the
22 track?
23

24 A. That is correct.

25 Q. Now, how long are you waiting
26 now, generally speaking, for the clearance from Conrail
27 after it is asked for?

28 A. Under the present operation,
29 it could be almost any length of time.
30



1 In some cases, we may get it reasonably
2 soon. Other cases, we may wait for two hours, three
3 hours, an hour. It is a difficult question to answer
4 exactly but we do have -- we do suffer serious
5 delays getting permission to proceed to Detroit
6 from Windsor yard.

7
8 Q. Now, how long -- perhaps you
9 have answered this, but how long clear time on the
10 route through Detroit and to the tunnel in Canada,
11 the tunnel in Detroit that you have described, does
12 Conrail have to see before they let you come?

13
14 A. Under the present method of
15 operation, I would say that the policy adopted by
16 Conrail would be that they would want to see an hour's
17 clear time to accommodate the manoeuvres through
18 which we must go to move 937 from Windsor into their
19 area under the present situation.

20
21 Q. And just to clear the nature
22 of your evidence, is that your opinion, on the basis
23 of your railroading experience or is it some
24 knowledge ---

25 A. Partially so. But, it is
26 based mainly on my knowledge of the operation; as
27 previously indicated, I have spent a great deal of
28 time in Windsor, and in particular, with this
29 problem.
30

1 I have ridden -- I have illustrated
2 recordings taken on one trip on these particular
3 trains but this is by no means the only trip I have
4 taken. I have ridden back and forth on these trains
5 on many occasions whenever I could find time to do
6 it.

7
8 I have been in close association with
9 the people at Conrail. I have been in the Conrail
10 dispatching office from time to time and I have had
11 an opportunity to observe the type of problems that
12 they are up against from time to time.

13 By looking at their train sheets I can
14 appreciate the traffic that they handle and the
15 complexity of their operation and I, frankly, felt
16 for myself to have a complete grasp and understanding
17 of the total problem, I felt that I must go -- devote
18 this time to this sort of endeavour and to learn as
19 much about the operation as I possibly could. I have
20 certainly, to the best of my ability, addressed myself
21 to this problem since my appointment in London and I
22 have spent a great deal of time studying the operation,
23 as it is; what possibilities may exist and exactly
24 pinpointing, to the best of my ability, where the
25 problem areas lie.

28 Q. So, on the basis of all that
29 experience not only what you described, but to your
30



1 background back to the forties in railroading, how
2 long, in your view -- have you an opinion, let me put
3 it that way: have you an opinion as to how long, how
4 much clear time Conrail would have to see in order to
5 give the light for the train coming from Powell over
6 the route that you have described as the way you
7 would use it now, if you are allowed to?
8

9 A. Well, I could first of all,
10 depending on my own experience, both as an engine
11 man and an operating officer, and having ridden
12 these trains from time to time, and familiarizing
13 myself with their operating techniques and the
14 techniques used by the crew members, I would say
15 that a train leaving Powell Sidings, that I would
16 have every right to expect that train could leave
17 Powell Siding and be standing at the home signal at
18 the west Detroit interlocker in a space of approxi-
19 mately 30 minutes, and this, of course, is opposed
20 to a situation as we are now confronted with, where
21 it takes well over 30 minutes to accomplish the
22 double over and the departure from Windsor yard.
23
24

25 I would say that it would be somewhere,
26 I think, I've already indicated, it would be some-
27 where in the area of 35, 30, 35 up to 40 minutes,
28 depending on what conditions prevailed, and from my
29 own experiences, I recall timing this on one trip and
30



1 it was in fact 33 minutes which indicated to me that
2 before this train really got started onto the
3 Conrail track, and in fact entered the Conrail control
4 section, the train operating the other way would have
5 been sitting at the home signal at West Detroit for
6 some three minutes.

7
8 To get back to the question as to how
9 much time a Conrail dispatcher would want to see
10 before him in his planning with regard to the
11 handling of all traffic within the terminal under
12 his control, while I really cannot speak for the man,
13 or the men involved, but I would say that certainly
14 I would not need an hour. I would not need the hour.
15 I would not have any qualms whatsoever about -- I
16 would say that if I saw 20 minutes -- if I saw a
17 space and this is my own -- I stress this is my own
18 personal opinion, but I would say that if I saw a
19 space of 20 minutes of clear track time, I would not
20 feel alarmed about giving the train permission to
21 leave; bearing in mind that, as previously indicated,
22 the train will be in the control circuit in approx-
23 mately six minutes and will be making his way under
24 signal indication all appropriate routes and signals
25 lined that the train would have every -- he would
26 have every reason to expect that train would be through
27 the tunnel well in advance of the 20 minutes and would
28
29
30



1 in fact be at the West Detroit interlocker in a space
2 of approximately 30 minutes.

3 Q. Now, I take it from your
4 evidence earlier Mr. Nutkins that there still would
5 be some possibility of delays even using Powell. You
6 might not make your six minutes every time, is that
7 not right?
8

9 A. From Powell Siding, as I
10 indicated many times, I am not about to leave the
11 impression that everything works perfectly all the
12 time. I have been railroading too long and in too
13 many locations to ever expect that. I fully realize
14 that from time to time there are untoward incidences
15 that arise. A car, we could get involved with an
16 automobile on a crossing or something like that. We
17 never know.
18

19 Q. Yes. But what is the effect
20 on further distance from the tunnel, if any, on that
21 possibility of delays?
22

23 A. I feel, quite sincerely, the
24 further you move, if again, if you will, consider
25 this starting point; the further you move the
26 starting point away from the control section of
27 Conrail, I think, without any doubt, first of all,
28 the distance that you move it away increases the
29 potential problems in direct proportion but, moreover,
30



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Nutkins, dr.ex.
(Chalmers)

556

1 if the moving a starting point any further distance
2 from the starting point we now propose ---
3
4
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30



K-1

NG-eg

1 -- if you are introducing the possibility or the
2 probability of other interfering movements within
3 the rail operation, this most certainly has a
4 serious compounding effect. And I would say
5 quite frankly that given this situation we are
6 simply back to the present system of handling the
7 train out of the yard with all its inherent
8 problems. And I would say quite frankly that if
9 this were the case we would be no better off
10 insofar as displaying any degree of reliability
11 to the people on Conrail who have the final say
12 as to when they give the light to start the
13 movement, we will be no better off than we are
14 operating as presently operating through Windsor
15 yard, which in my humble opinion is a hopeless
16 operation.
17
18

19 Q. Now --

20 THE CHAIRMAN: Mr. Chalmers, the
21 half hour has gone by and I think we will now
22 adjourn until two.
23

24 MR. CHALMERS: Thank you, sir.
25

26 --- LUNCHEON RECESS.
27
28
29
30



1 --- On Resuming.

AA-1

2

NGeg

3

THE CHAIRMAN: Please be seated.

4

MR. CHALMERS: Might the record

5

show that Mr. Cameron Hillmer, a student at Law,

6

has been with me at all times. I have entered an

7

appearance form so that he can lead the evidence of

8

one or more witnesses if necessary. Thank you.

9

10

Will Mr. Nutkins resume the stand,

11

please.

12

Q. Now referring to Exhibit

13

CP-F, for which purpose you will have to move

14

towards me I am afraid. Thank you.

15

16

It has been suggested to me that

17

the record, I have not had the record completely

18

clear as to the extent of the American traffic

19

which joins the main line, I guess, of Conrail

20

beyond the tunnel at the points indicated by you

21

in black, or such other points as may be relevant.

22

What's the traffic which joins that line at that

23

point and which, as I understood your evidence

24

earlier, correct me if I am wrong, has to be held

25

back or is interfered with when 937 comes through?

26

27

Can you answer that question?

28

A. Could I interrupt the

29

proceedings for a moment? I thought I had my

30

glasses in my pocket but I haven't.



1 Q. By all means.

2 THE CHAIRMAN: I once appeared on
3 a case in Vancouver and the Judge forgot his
4 glasses and had to adjourn for an hour or so.

5 MR. CHALMERS: Well if necessary I
6 can read off the things that I talked about now.

7 THE WITNESS: I'm afraid I must
8 confess that they are probably back at the hotel
9 room, I'm afraid. I am sorry, sir.

10 THE CHAIRMAN: The Judge had the
11 same problem.

12 MR. CHALMERS: Well, we will be
13 coming to the line diagrams CP-F. I am terribly
14 sorry but I think we will have to let Mr. Nutkins
15 go back.

16 THE CHAIRMAN: Well if he cannot --
17 is his hotel far away?

18 MR. CHALMERS: I am instructed that
19 there is a substitute pair -- otherwise, if we can
20 try that if Mr. Nutkins has his key to his room
21 Mr. Hillmer will go back and get his glasses.

22 THE WITNESS: I will endeavour to
23 carry on with this.

24 Q. Okay I will refer you, as
25 the supreme test of the new glasses, I am referring
26 you to the entries on CP-F and ask you what traffic
27
28
29
30



1 joins the line at those or any other relevant
2 points? Joins the Conrail line?

3 A. At the various intersecting
4 points, for example, and these are all marked on
5 this map; the Grand Trunk Western Railway intersects
6 with the Conrail trackage in the area of the
7 West Detroit interlocker. The Detroit and Toledo
8 Shore Line Road is in that area. The Norfolk and
9 the
10 Western Railway is in the same area, but/Chesapeake &
11 Ohio track leading to Oak Yard and Grand Rapids is
12 in that area.

13 Further I am reasonably certain there
14 are connecting roads or movements of other railroads which
15 enter upon the Conrail trackage at Bay City Junction.
16 But I could not accurately state that and perhaps
17 I should not so indicate.

18 Q. That's right. And in my
19 question I also asked you whether or not there was
20 any interference with that traffic by Conrail holding
21 the line for 937?
22

23 A. Yes sir, there is bound to
24 be some interference to the extent that where they
25 would have had two main tracks to accommodate the
26 various movements that are required to be
27 accommodated if they are holding that one main
28 track committed to CP Rails 937 then it logically
29
30



1 follows that they could not take the light away.
2 And by that expression I mean take the route away
3 from the CP train 937 to allow another movement
4 onto that track without stopping train 937, and in
5 many cases depending on where it is, blocking other
6 interlocking locations and particularly the 15th
7 Street interlocker at the exit from the Detroit/
8 Windsor Tunnel.
9

10 Q. Thank you. And may I take
11 you now to Exhibit CP-G, the line diagram.

12 And I think you said already that
13 between Howard and Walker the Powell Siding gap is
14 7,070 feet. I take you back to some of these
15 places. But between Jefferson and Lauzon what is
16 the distance along the main line?
17

18 A. The distance between Jefferson
19 Boulevard and Lauzon Road measured from the centre
20 line of the crossings is 6,125 feet.
21

22 Q. And it's a matter of
23 arithmetic, so I take it that means there are 92
24 cars in that distance between those streets. Is that
25 right?

26 A. Yes, if you are suggesting
27 the installing of the track between Jefferson
28 Boulevard and Lauzon Road, I would say that that
29 track would only be capable of accommodating 92 or
30



1 93 cars.

2 Q. I am obliged now to say to
3 the Commission, with the greatest deference to the
4 witness, I am suggesting to you sir, no such thing.
5 But is obviously one possibility I want to canvass
6 a number. Now there is apparently on CP-G, forgive
7 me for using the same piece of paper as the
8 witness Mr. Chairman, what appears to be -- there
9 is a light line immediately above the main line on
10 that diagram which extends beyond Lauzon Road.
11 What is that?
12

13 A. The line referred to
14 represents the Walkerville passing siding.
15

16 Q. And how long is it?

17 A. It has a car length capacity
18 of 112 cars.

19 Q. And is that crossing of
20 Lauzon Road a grade or is there a grade separation?

21 A. No, Lauzon Road is a grade
22 crossing.
23

24 Q. Incidentally does that siding
25 have a name? It's a rather confusing name, Mr.
26 Chairman, as I understand it. But does it have a
27 name?

28 A. Yes, it is indicated in the
29 Windsor subdivision timetable as Walkerville.
30



1 Q. You call it Walkerville
2 siding or have I got it wrong?

3 A. No, in real terminology it
4 would be just referred to as Walkerville the same
5 as the passing siding at Bell River would be
6 referred to as Bell River.

7 Q. Right.

8 A. And certainly in the use of
9 train orders when referring to the siding or any
10 activity at that particular siding the train order
11 would read Walkerville.
12

13 Q. And if a 112 car train is
14 put on that Walkerville, now I find myself saying
15 Walkerville siding, I'm sorry. If a 112 car
16 train is put onto the siding in question what has
17 to be done?
18

19 A. If a 112 car train were put
20 onto the passing siding at Walkerville it would be
21 necessary for them to pull to the siding and stop
22 short of the west end of the siding in order to
23 allow the rear train man to make a cut of the train.
24 And by a cut of the train I mean uncoupling it and
25 making a separation, leaving part of the rear
26 portion of the train east of Lauzon Road and then
27 pulling the front portion of the train westward
28 towards Jefferson Boulevard so as to clear the
29
30



1 crossing at Lauzon Boulevard for use of the
2 vehicular traffic.

3 Q. What does CP Rail use that
4 siding for now?

5 A. This siding is used
6 exclusively for the meeting and passing of trains
7 as are all such sidings on the system.

8 Q. How extensively is it used
9 now?

10 A. I would say quite extensively.
11 Walkerville is one station that we rely on very
12 heavily by virtue of its geographic location, being
13 the closest passing siding to the Windsor area.

14 It is probably used more, perhaps
15 more often than some others because a train would
16 very often be put into Walkerville because it is
17 not yet able to get into Windsor yard. That would
18 be the logical location to hold the train and the
19 closest location to Windsor yard at this point in
20 time.

21 Q. If that siding was used for
22 some other purpose or as part of some other
23 establishment what would you do about the manoeuvres
24 you are describing now? The operations that now
25 take place at that siding?

26 A. If I understand the question,



1 if Walkerville were not available as a passing
2 siding the only possible alternative then would be
3 to use the next easterly passing siding located at
4 Bell River, some approximately 12 miles at least
5 away.
6

7 Q. Is that a suitable location?

8 A. That would not be considered
9 a suitable location and certainly not a suitable
10 substitute for Walkerville siding.
11

12 Q. Are there any reasons you have
13 not given the Committee why not?

14 A. I cannot think of, at the
15 moment I cannot think of any other reasons other
16 than it's extreme distance from the yard. And when
17 I say extreme distance, just relying on memory. I
18 know it's approximately 12 miles further east and I
19 think that puts it something like 18 miles from
20 17.7 or 18 miles from Windsor.
21

22 Q. Does GP-6 help you with
23 those figures? There are figures encircled above
24 the line in GP-6. What are those?

25 A. The figures encircled above
26 the diagram are the railway mileage points and they
27 are not -- they are just shown 101, 103, 105, 107,
28 109. Normally along the track you would have a
29 mileage post at each mileage location.
30



1 But the mileages are shown and the
2 circles at the top are just to aid in giving some
3 relationship to the location of various points on
4 the Windsor subdivision. The mileage for each of
5 the crossings, I believe, the changes and the
6 subdivision mileages are shown opposite each crossing
7 to indicate the mileage of the crossing.
8

9 Q. Now how wide is the CP right-of-
10 way at Walkerville?
11

12 A. At Walkerville the right-of-way,
13 the width is 99 feet.
14

15 Q. And what are the physical
16 possibilities of putting in a third and a fourth
17 track that I take it, from your earlier evidence,
18 would be necessary for some kind of Powell Siding
19 type of operation if it could be done?
20

21 A. If this were to be resorted
22 to I would say that it would be physically possible
23 to put a third track in this location. It would
24 be somewhat more difficult to put a fourth track
25 but I would not be prepared to state that it would
26 be impossible.
27

28 Q. Why would it be difficult?
29

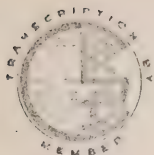
30 A. Because of the physical
characteristics in the area, the ditching requirements
and the presence of a creek or stream that would



1 require bridging.

2 Q. Yes, and between, have you
3 given us the increase in the distance from the
4 tunnel? I believe you have. That appears in
5 the exhibits, Mr. Chairman.
6

7 And what is now between the Conrail
8 track -- is there anything which is now between the
9 Conrail track and Walkerville that is not between
10 the Conrail track and Powell? Have we added to
11 the obstacles apart from increasing the distance?
12
13
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BB.1
MJC/ko

1 A. This is assuming that an
2 arrangement were substituted at Walkerville, is that
3 right?

4 Q. That's right.

5 A. Assuming such an arrangement
6 were substituted at Walkerville there would indeed
7 be some operational oriented obstacles placed between
8 this proposed location and the entrance to the tunnel
9 or the entrance to the Conrail control section.
10

11 Q. And what are they?

12 A. They would be, first of all,
13 using this line diagram, CP-G -- there is a track
14 shown diverging -- I would assume this would be to
15 the north just in the area of Walker Road and this
16 is a track, a spur track that leads into the Chrysler
17 loading plant and on this trackage takes place the
18 switching of the Chrysler loading plant by CP Rail
19 crews and in connection with this switching require-
20 ment for Chrysler Corporation the CP crew assignment
21 would be required, from time to time, to make
22 switching movements out of the plant along the main
23 line and into the trackage arrangement that is located
24 at Walkerville Junction.
25

26 Another operating problem that would
27 then exist would be -- bringing your attention to the
28 trackage marked C&O which crosses at grade the
29
30



BB 2 1 Canadian Pacific main line at a point just east of
2 Walker Road. The C&O traffic on this particular line
3 would be comprised mainly of switching movements again
4 or perhaps transfer movements which would be required
5 from time to time to move back and forth across our
6 main line under signal indication and I know that one
7 of the switching duties that are carried out by the
8 C&O in close proximity to the intersection, or as we
9 refer to it as a diamond -- it is my understanding
10 that they switch the assembly plant of Chrysler
11 Corporation at a point I believe just north of Grand
12 Marais Road.
13
14

15 Q. Are there any other problems?

16 A. Yes. There is another area
17 where rather important rail operations are carried
18 on during the course of a day and it would be in the
19 area labelled -- or just east of the Central Ave.
20 overpass. You see the label there Walkerville
21 Junction and some series of tracks or lines that
22 represent tracks in that area.
23

2 24 It is in this particular area that
25 the main line train will be required from time to time
26 to make set offs of empty multi-level equipment and
27 when I say set offs I am referring to a train going
28 by Walkerville Junction, stopping there and switching
29 off that particular train a certain number of multi-
30



BB 3 1 level cars which would be required in connection with
2 the Chrysler Corporation loading of their product
3 d also in connection with the loading of product,
4 of automotive products at the General Motors
5 compound which is located at the point north of EC
6 Row and some small distance (I am not exactly sure
7 how far) but I would somewhere between Pillette Ave.
8 and - - - in this area to the north of our
9 track on Canadian National trackage and switched
10 by Canadian National is the Gen Auto compound where
11 similar operations are carried on as previously
12 described in our yard compounds number 1 and number
13 3.
14
15

16 The operation, the switching operation
17 is carried on by Canadian National on a joint basis
18 and this requires, of course, that we have empty
19 multi-level equipment in the Walkerville Junction
20 area for ready access by Canadian National to place,
21 on our behalf, in the auto compound and conversely
22 Canadian National crews taking care of this operation.
23 They would take the loads from this particular
24 automotive compound into the same area, Walkerville
25 Junction, where one of our trains heading eastward
26 would be required to lift these cars, this automotive
27 traffic usually along with the automotive traffic
28 collected or loaded at the Chrysler loading facility
29
30



BB 4 1 for furtherance along the London Division to the
2 Toronto area and beyond.

3 Q. Yes, and I would ask you your
4 view, with your qualifications that are in evidence,
5 of the effect of those operations on a hypothetical
6 Powell Siding operation attempted in Walkerville?
7

8 A. The net result would most
9 certainly be that, given the premise that the
10 starting point were changed from Powell Siding to ---

11 Q. Can Mr. Andrews get you your
12 glasses?

13 A. No, I am all right. I am
14 sorry. Could you repeat the question?
15

16 Q. Certainly. I would be glad to.
17 I am sorry if I embarrassed you. The question was,
18 given your qualifications as they appear in the
19 evidence what is your view of the effect of those
20 operations you have described at the Chrysler loading
21 facility, the Chessie diamond and the multi-level
22 operation at Walkerville. What would the effect be
23 of those operations on a comparison between attempting
24 a Powell-like operation at Walkerville Siding and
25 doing it at Powell Siding as sought in this
26 Application?
27

28 A. The effect, in its simplest
29 terms, would be that we would not have a situation
30



BB 5 1 where between the starting point of the movement of
2 train 937 towards the tunnel and bearing in mind the
3 importance of a prompt response to the instruction to
4 head for the tunnel, the effect of the obstacles, if
5 you will, that I just described in the way of
6 operating requirements in this area would be to place
7 in the way of this movement obstacles that could
8 create interferences and could make it impossible
9 for the movement of 937 to respond as required.
10

11 It really basically boils down to
12 one of two choices given these circumstances; the
13 choices being either you hold 937 at the hypothetical
14 siding at Walkerville or you delay any movement or
15 prevent any movement within the area just described
16 relating to the operations just described.
17

18 Obviously they could both not go on
19 at the same time. If, for example, you had 937
20 waiting to go and you got word from the Conrail
21 dispatcher that it was all right to come and if in
22 the meantime you had released that trackage, the
23 commitment that you had made to that trackage from
24 Walkerville towards the tunnel -- if you release that
25 trackage to another movement it obviously will not
26 then be available for the movement of 937 and
27 obviously you lose that capability of a prompt response
28 to the movement towards the tunnel.
29
30



BB 6 1 Q. How about the converse? The
2 effect of an attempt at a Powell-type operation at
3 Walkerville on the movements that you described; the
4 Chrysler loading dock movements and the multi-level
5 movements and so on?

6 A. Well in response to this I
7 would say that if the preference were given to train
8 937 what we would be doing in effect would be taking
9 away our ability to promptly serve some of the
3 10 service requirements that I have already indicated
11 and as an example, if at that particular time when
12 we have seen fit to commit the trackage from
13 Walkerville through to the tunnel awaiting the
14 approval of the Conrail dispatcher and, at the same
15 time, there were a movement required from the
16 Chrysler loading dock, to pull their loading tracks
17 and transfer the loads to the Walkerville Junction
18 area or go to the Walkerville Junction area to get
19 empty cars or to replenish their tracks so as to
20 enable the Chrysler loading operations to continue
21 unhampered, we would not be able to respond as we
22 should respond and there would have been a delay to
23 the Chrysler operations or to the operations of a
24 C&O crew that may want to make a movement in one
25 direction or the other over the C&O diamond in
26 connection with the switching of certain industries
27
28
29
30



BB 7 1 or whatever movements they may be required to make.
2 Q. Now is there anything else
3 that -- or any other way you can assist the
4 Committee and this Panel in regard to the hypothetical
5 movement, hypothetical Powell-like operation at
6 Walkerville? Otherwise I will direct you -- if not,
7 I will direct you to the area immediately east of
8 Walker Road, the next area, and can you cover the
9 advantages and disadvantages of that area with CP-G
10 or do you need to get another diagram?
11

12 A. To cover the prevailing
13 situation in the Walkerville Junction area I could
14 not adequately do it with CP-G. I shall require --
15

16 Q. Fine. You shall have it.

17 MR. CHALMERS: I would ask the
18 Committee -- I would therefore tender, using the
19 example on the board, as the actual exhibit, an
20 extremely long diagram of Walkerville Junction.
21 It is at a scale of 1 inch to 100 feet dated March
22 15th, 1977.
23

24 Q. Was this document produced
25 under your direction?

26 A. Yes, that's correct.

27 Q. And prepared by persons under
28 your supervision?
29

30 A. That's correct, sir.



CC-1

PCeg

1 MR. CHALMERS: Now, I have three
2 copies of this monster for the Committee. I
3 apologize but I think there are reasons for the
4 scale being an inch to a hundred feet but I realize
5 it is a matter of some difficulty.
6

7 THE HEARING PROCESS OFFICER: This
8 shall be CP-H.

9 --- EXHIBIT NO. CP-H: Diagram re County of
10 Essex Township of Sandwich
11 East. CP Rail, Walkerville
Junction, Mileage 108.11.

12 MR. CHALMERS: Exhibit CP-H?

13 THE HEARING PROCESS OFFICER: Yes.

14 MR. CHALMERS: Q. What does CP-H
15 show?
16

17 A. Exhibit CP-H shows the CP
18 Rail main line trackage along the whole length of
19 the diagram and it would be, in all cases, where
20 there are more than one track paralleling; the
21 main track would be the southerly most track or the
22 track to the bottom of the diagram.
23

24 In the area, the specific area
25 where there are several tracks shown, adjacent to
26 and north of the CP main line, there are tracks
27 that are labelled main line WJ-1, WJ-2, WJ-3, WJ-4,
28 and WJ-5. So, in addition to the main track in
29 this area, there are five other tracks.
30



1 Q. Are those there now or are
2 those tracks that Canadian Pacific intends to put in?

3 A. Those are tracks that are in
4 existence now and in fact, in use now.

5 Q. And are there additional
6 tracks which Canadian Pacific plans to have?

7 A. In this area, there would be
8 no plans for other tracks. There really isn't no
9 room for any other tracks in this area.

10 If one studies the diagram, the
11 right-of-way, in this particular location, is again
12 99 feet and with the trackage that is in there,
13 and adding up the distances between centre lines
14 of track which are indicated on the diagram as 14
15 feet, 14 feet, 13.6 feet, 13.6 feet, 13.6 feet,
16 13.6 feet and then 17 feet. If my arithmetic is
17 correct, this will add up to 99 feet and it completely
18 utilizes our property right-of-way in this area.

19 Q. How wide?

20 A. 99 feet.

21 Q. We are not encroaching three
22 feet ---?

23 And these tracks are used for what,
24 or have you said?

25 A. These are the tracks that are



1 used in connection with, and in support of the
2 automotive industry, at the Chrysler Corporation
3 plant. Their loading area being in the area shown
4 on the top left hand corner of the map, which
5 also shows the spur track previously referred
6 to, which leaves the main track just east of
7 Walker Road and curves around towards the north
8 and up into five tracks on Chrysler property which
9 are the loading facilities for the Chrysler
10 Corporation.
11

12 Q. And this plant is immediately
13 on the other side of Walker Road from the Powell
14 Siding area, is that right?
15

16 A. That is correct.

17 The Powell Siding area would commence
18 just west of Walker Road.

19 Q. How would you describe --
20 what railroading expression would you use to describe
21 that number of tracks fanning outside the Chrysler
22 plant at the top left side of Exhibit CP-H?
23

24 A. Well, these tracks I would
25 refer to as -- they are tracks going into loading
26 facilities and they somewhat resemble a miniature
27 switching lead or yard or marshalling area but not
28 to the same degree, of course, as you would find in
29 a major marshalling yard.
30



1 Q. Now, your trackage, that is
2 right next to what appears to be CN trackage, which
3 you were describing in some detail a while ago,
4 immediately to the south, I take it of the Chrysler
5 Corporation plant, truck plant, what is that
6 trackage used for?

7
8 A. The Canadian National
9 trackage that is shown on this plan is dotted
10 trackage. The use of that track is exactly
11 identical to our own. It would be support track
12 for the auto industry at the Chrysler Corporation
13 and also in connection, as previously mentioned,
14 the Gen-Auto compound in the E.C. row area and
15 that can be the route to that compound and can be
16 identified by looking at the right hand side of
17 the exhibit. You will see a note there "to G.M.
18 compound" with an arrow pointing towards the east.
19 The Gen-compound can be reached and accommodated
20 on that piece of track, from that piece of trackage
21 which is Canadian National trackage.
22

23
24 Q. Yes.

25 Now, Pilette Road comes at the end
26 of Exhibit CP-H at the right hand or easterly end.
27 Now, is that a grade crossing or is that in the
28 process of change or what is the status of the
29 crossing at Pilette Road?
30



1 A. The status of Pilette Road
2 in this area, well, I am not absolutely certain of
3 the status. I do know that Pilette Road was by
4 R.T.C. ordered to be closed and there was some
5 various extensions granted to the closing date and
6 at the present time I'm not just certain what the
7 established closing date is at this particular
8 moment but I do -- it is my understand that in
9 accordance with the Board Order that was issued in
10 connection with the Central overpass that Pilette
11 Road is to be closed to vehicles or traffic.

12
13
14 Q. And, is there a street or
15 expressway called E.C. Row somewhere in this
16 general vicinity, do you know?

17 A. Yes. E.C. Row would be the
18 first crossing east of Pilette Ave.

19 Q. Does that appear on the
20 previous Exhibit CP-G?

21 A. Yes. It is shown on CP-G
22 running diagonally across the CP main track just
23 starting -- it is labelled below the main track,
24 E.C. Row Ave.

25
26 Q. And what is the status of
27 the crossing between, if any, between E.C. Row and
28 the main line of CP?

29 A. It is a level crossing.
30



1 Q. A level crossing?

2 A. Yes.

3 Q. What is your understanding,
4 if any, about its future?

5 A. I really do not know what
6 the future of the E.C. Row crossing is, whether
7 there are definite plans to grade separate or not.
8 I am afraid I do not really know for certain.

9 Q. Thank you.

10 Have you described the various
11 railroad, in your evidence, about the Walkerville
12 area and your evidence about, thus far, about
13 Walkerville Junction.

14 Have you described all the various
15 moves that go on Walkerville Junction of any
16 significance or are there any more in terms of
17 railroading moves?

18 A. No. I would say those are
19 the moves that are presently considered day by day
20 movements required in connection with the operation
21 of the railroad and certainly in connection with our
22 responsibility as a common carrier to serve as best
23 we can the auto industry or any other industry that
24 may require or request service.

25 I would also indicate that while
26 these are, at their present point in time, these

27
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29
30



1 are the problems in the operations that are being
2 carried on, I would suggest that is not to say at
3 any point in time in the future, there may not be
4 additional requirements imposed upon this area. It
5 could well be if there is an industrial area
6 adjacent to the Chesapeake & Ohio, there may be a
7 plant that would go in there that would require the
8 Chesapeake & Ohio to require more accommodation
9 over the diamond. There are certainly other areas
10 to the east of the Walkerville Junction, that while
11 I am not completely familiar with the absolute
12 zoning by-laws in that area, I would rather expect
13 there would be areas there that would be zoned
14 industrial, and it is not beyond the realm of
15 possibility that major plants may, at some time,
16 in the near or distant future, go in that area and
17 I am certain that the Board of Trade people within
18 the City of Windsor, would probably be very actively
19 pursuing just that sort of an arrangement to try to
20 attract business into that area and if, for no other
21 reason, then it is in close proximity to good rail
22 facilities. I think that it is an area that
23 practically would be conducive to that and
24 would be very attractive to any company who may be
25 wishing to establish in the Windsor area.

26 Q. Now, assume for a moment, if
27
28
29
30



1 you will, Mr. Nutkins, that Pilette Road will be
2 duly no longer a level crossing closed off or
3 out of the way as a traffic problem either for the
4 railroad or for the motorist.
5

6 I think your diagram is a lot
7 closer to you than it is to me, the line diagram,
8 CP-G confirms -- would you confirm it is 8100 feet,
9 the distance of the main line between Walker Avenue
10 and E.C. Row?
11

12 A. Between.

13 Q. Between Walker Road?

14 A. Between Walker Road and
15 E.C. Row?

16 Q. Yes.

17 A. We have two dimensions on
18 the lined diagram.

19 Q. What are the two dimensions?
20

21 A. 8,094 feet being the distance
22 between Walker Road and Pilette Ave.

23 Q. Yes?

24 A. In addition, 2587 feet being
25 the distance between Pilette Road and E.C. Row Ave.
26

27 Q. Well, first of all take the
28 8,000 feet between Walker and Pilette. That is
29 longer than Powell Siding by about, something in
30 the order of a thousand feet.



1 What have you to say as to the
2 possibility of doing a Powell Siding in that area
3 which is longer and which starts from the point of
4 view of the Conrail Tunnel, starts immediately at
5 the end of Powell Siding, immediately beyond?
6

7 A. I would say in the area just
8 indicated between Walker Road and Pilette Ave., first
9 of all, as previously indicated, the right-of-way
10 space of 99 feet is, at this point in time, being
11 completely utilized. There is no - for example,
12 the main line, the CP Rail main line, has as
13 indicated on the diagram, the distance between the
14 centre line of the track of the main line ---
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DD.1
NG/ko

1 And the distance between the track and the main line
2 and the southern limit of the right-of-way is the
3 minimum clearance distance of 14 feet.

4 Q. Well I am not about to cross-
5 examine you, it is forbidden even to my opponents.
6 But is it possible to run a Powell Siding type of
7 operation using the facilities currently constructed
8 at Walkerville Junction?
9

10 A. No, this would not be possible
11 because of the full utilization of the tracks. If
12 we were to do this I presume the suggestion is that
13 we commit or devote two of these five tracks to the --
14

15 Q. It's the hypothetical
16 possibility that I am putting to you Mr. Nutkins.

17 A. If that is the question then
18 my answer would be no. In so doing we would be
19 depriving ourselves of the space that we absolutely
20 must have to properly serve the automotive industry
21 in that area.

22 Q. Yes. And bearing in mind that
23 we will come to labour agreements, as mentioned by
24 Mr. Woodard, in a very short time, are there any
25 other difficulties with Walkerville Junction other
26 than possibly labour commitments? If that is a
27 difficulty, we will come to that, but is there any
28 other difficulty with Walkerville Junction which you
29
30



DD 2 1 have not yet mentioned?

2 A. There are minor difficulties
3 which I am afraid I cannot consider paramount. But
4 they are minor difficulties in that the extension of
5 the distance by road, I think by road if we are
6 looking at the requirement of making crew changes,
7 the distance from the yard office to the Howard
8 Avenue end of the Powell Siding where a crew change
9 would be made is, I believe, 1.8 miles.

11 The distance from the yard office to
12 Jefferson Avenue, which would be the crew's change
13 point equivalent to Howard Avenue, the distance is
14 6.6 miles from the yard office by road.

16 The difference between these, I think,
17 is something in the order of 3.8 miles. This does
18 introduce some difficulty, some extensions of time
19 in making the movement between the yard office and
20 the crew change point. And albeit that 3.8 miles
21 may be considered minimal, and I am not suggesting
22 for one moment that this is in any way the paramount
23 reason for feeling that the siding should be as it is
24 so located, nevertheless it is an added, it consti-
25 tutes an added problem to some degree.

27 The crew changes would, in making the
28 crew changes the distance would be slightly further.
29 And in the event when the Customs people are inspecting
30



DD 3 1 the train it would be added distance for the Customs
2 people to travel to make their customs -- the
3 requirements of their inspection.

4 Q. Thank you. Now when I directed
5 you before we got to Walkerville Junction, when we
6 were dealing -- I directed you to the distances
7 between Walker Road and Pilette, and then brought
8 out that I was wrong in my suggestion that it was
9 8100 feet more or less all the way over, it was 8100
10 feet to Pilette.
11

12 Now there is a distance according to
13 CP-G, the line diagram, of 2587 feet between Pilette
14 and E.C. Row. And assuming that Pilette is no longer
15 a level crossing, either it's closed or it is grade
16 separated or some such thing, that gives you a very
17 substantial distance of something in excess of 13,
18 1400 feet. What is that, if you take that whole area
19 into consideration, what's the effect of that
20 consideration on your answers about Walkerville
21 Junction? The impracticability I take it from your
22 answers, to building a Powell Siding operation at
23 Walkerville Junction?
24
25

26 A. It would really have no effect
27 on my answers concerning the practicability of
28 Walkerville Junction. And this can be borne out by
29 the fact that really the main line right-of-way of
30



DD 4 1 99 feet is, I would say, completely utilized to a
2 point on Pilette Avenue. So what we are looking at
3 is with the closing of Pilette Avenue or Pilette
4 Road, would be an additional rail space of 2587
5 feet, which would certainly not be practical. The
6 type of siding that you could build there would be
7 of absolutely no use for this type of operation.
8

2 9 Q. Is there any difference in your
10 answer for the space between E.C. Row and Jefferson,
11 2324 feet?

12 A. No, the same thing would
13 prevail there.

14 Q. And whose figures are these
15 figures in feet that appear on CP-G?
16

17 A. These are figures from CP
18 Rail railway records and they indicate in each case
19 the distance in feet between the centre lines of the
20 route marks.

21 Q. I wonder if you could combine
22 the 2587 and 2324? What if E.C. Row mysteriously
23 became closed or grade separated or whatever?
24

25 A. We would then still only end
26 up with --

27 Q. Six thousand more or less, if
28 my addition is correct Mr. Nutkins.

29 A. Yes, 6,000 more or less. It
30



DD 5 1 still would not be considered a viable alternative
2 for the Powell Siding. The difference in distance
3 being somewhere in the area of a thousand feet as
4 I calculate it.

5 Q. And the Board already have
6 your evidence which stated your knowledge in relation
7 to E.C.Row in any event.
8

9 Now I wonder if I can put to you in
10 a group, is there any -- have you any evidence to
11 give, bearing in mind the full disclosure that you
12 have made already, is there any evidence to give that
13 suggests that something could be done by way of a
14 Powell operation between Lauzon and Banwell, between
15 Banwell and l'Esperance, between l'Esperance and
16 Manning?
17

18 If you want to take them serially,
19 slow down and take them one by one. The figures on
20 CP-G are 5490 feet from Lauzon to Banwell; 4172 feet
21 from Banwell to l'Esperance and 2640 feet from
22 l'Esperance to Manning. Are those all grade crossings?
23

24 A. Yes, they are all grade crossings.
25 And I would have to say in reply to the question that
26 the distances available on each of these cases in
27 none of the areas between the crossings, the distance
28 available would not be sufficient to duplicate the
29 Powell Siding or to accommodate the type of train
30



DD 6

1 which we really must be thinking in terms of.

2 Q. Well, just to risk cross-
3 examining my own witness, 5490 feet is in terms of
4 what? A 55 car train? Is that room for a 100 car
5 train?
6

7 A. Not really, you would have to
8 go back the proper distance from the crossing. You
9 would have to have the curvature end to the track and
10 the signal located at the end of the track. And I am
11 not prepared to state exactly how many feet this would
12 have to be set back from the crossing. But I am
13 prepared to state that the distance indicated in each
14 of these cases between the various crossings, that
15 distance cannot be divided by 55 and come up with
16 the, with what would be considered the car capacity
17 of the siding that were built. You would have to
18 take into consideration the loss of space at both
19 ends of the siding to accommodate curvature and
20 signals et cetera.
21

22 Q. Now in this area from Lauzon
23 to Manning, are there crossings that are not marked
24 on CP-G of some type?
25

26 A. Between Lauzon --

27 Q. And Manning, that's the area
28 I am directing you to Mr. Nutkins. Do you know?
29

30 A. I know of no crossings that



DD 7 1 are not recorded there.

2 Q. And then you have got a space
3 shown of 6,072 feet between Manning and a road in
4 Lot 8.

5 A. Yes, between Manning Road and
6 the road in Lot 8, labelled Road in Lot 8, there is
7 between the centre lines of those two crossings
8 6,072 feet.
9

10 Again this would not duplicate the
11 requirement that we have at Powell Siding. To
12 relate the distances here to the facility at Powell
13 Siding one need only to consider that the available
14 distance centre line of road to centre line of road
15 between Howard Avenue and Walker Avenue, where the
16 Powell Siding is established, is 70 feet. And if
17 you take any of these dimensions here, for example
18 the 6072, that is approximately a thousand feet, a
19 thousand feet shorter. So if you were to divide
20 a thousand feet by 55 it would give you a pretty fair
21 approximation of what type of, or what length of
22 siding in terms of car capacity could be constructed
23 at any of those locations.
24
25

26 Q. By the time you are out to the
27 road in Lot 8, do you have any other problem apart
28 from the distance between roads?
29

30 A. Well, I really do not think



DD 8

1 we -- apart from the distance between roads I would
2 say that the main problem and very real problem is
3 that as you look at each road the distance between
4 each road, you are getting further and further from
5 the tunnel. And for the reasons that I have
6 endeavoured to demonstrate earlier you are just
7 complicating, we would be just complicating the
8 whole operation to that point where it would be
9 virtually impossible to carry on.
10

11 And I am referring specifically to
12 the need as previously discussed at some length to
13 be in very close proximity to the tunnel entrance,
14 to the control section of the Conrail trackage to
15 enable prompt response when the time comes.
16

17 Q. Now I would like to take you
18 back for a minute please, Mr. Nutkins, to the
19 operation of 937 and 942 on the one hand through the
20 yard, the Windsor yard, and on the other hand hope-
21 fully over the Powell Siding.

22 What is the significance, may I put it
23 that way the before and after situation just to re-
24 capitulate, to summarize your earlier evidence, would
25 the before and after situation in terms of crossing
26 at Tecumseh Avenue, I think that is clear but could
27 we just cover that quickly once again? How many
28 before and how many afterwards?
29
30



DD 9

1

A. If we were drawing a comparison

2

between the present method of operation and the

3

proposed method of operation, I think as previously

4

indicated, the present operation requires four and in

5

many cases five crossings of Tecumseh Avenue as

6

opposed to no crossings of Tecumseh Avenue using the

7

proposed method.

8

9

It entails or results in four very

10

long time-consuming movements through the critical

11

circle as previously described using the present

12

method as opposed to no entry into the critical circle

13

using the proposed method.

14

15

The present method requires the

4

16

removing of the diesel power and the cabooses from

17

the arriving trains 937 and 942, using the present

18

method as opposed to the proposed.

19

20

I believe that I indicated that, let

21

us see, removal of power both inbound and outbound

22

on each train, that's what I intended to indicate.

23

Really what we are saying is that it requires four

24

operations of removing diesel power and cabooses as

25

opposed to no removal with the proposed arrangement

26

of diesel power or cabooses in relation to --

27

Q. Is that negotiated with C&O

28

or Chessie? Can you do that tomorrow or do you have

29

to do a change of locomotive and van at Powell if you

30



DD 10

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get Powell in the next few weeks or months?

A. If we were at Powell I would say that there would be no requirement for the changing of either locomotives or cabooses. If the operation were through Powell Siding there would be no need to change diesel power or cabooses.

Q. Thank you. How about brake tests?

A. With respect to the brake tests as previously described, with the present method we see the long train on 937 requiring the double over movement.

- - - -



1 With the present method we see with the long train
2 on 937 requiring the double-over movement we saw
3 that it was necessary to perform three separate
4 No. 2 brake tests to meet the requirements of the
5 rules.

6 On 942 again we would have,
7 depending again on the size of the train, we could
8 have as many as three brake tests required to move
9 that train out of the yard as opposed to the
10 proposed method which would entail only a single
11 brake test on 942 and a single brake test on 937.

12 Q. Now if we can turn to the
13 problem or at least part of the problem that
14 Commissioner Woodard alluded to. Do you have -- it
15 is obvious from your background that I brought out
16 at the beginning of this evidence that you must have
17 belonged to the appropriate labour organization at
18 some time?

19 A. Yes.

20 Q. And did you obtain some
21 position with that labour organization?

22 A. Yes. I served in various
23 positions. I was Secretary and I was local Chairman.
24 I was Provincial Legislative representative for a
25 time.

26 Q. All right, and are you still



EE-2

1 familiar with the relevant running trades labour
2 agreements?

3 A. Yes, I am pretty well
4 familiar not only from my connection in those days
5 which dates back a few years now, but I must keep
6 current at all times with the collective agreements
7 in the various operating trades or any other trades
8 within the railway.

9 While I may not be called upon to
10 actually take part in the negotiations nevertheless
11 it's necessary for me to be familiar with the
12 various collective agreements. It is part of my
13 responsibilities.

14 Q. What is the position as far
15 as the ability of the Chessie System to send its
16 crews along the main line of CP? When, if ever, do
17 they start to run into difficulties in doing that?

18 A. At the present time with
19 respect to Chessie crews' running rights over CP
20 trackage they extend, at this point in time, from
21 Windsor yard out to the junction point where the
22 Chesapeake & Ohio trackage joins the CP main line
23 coming from their trackage. It intersects our main
24 line and the junction point would be -- well I
25 don't know the exact mileage -- it would be just
26 west of the C&O diamond previously referred to.

27
28
29
30



EE-3

1 Q. Yes, and there was something
2 rather different said in a different context earlier
3 about - well, before we get to the other matter,
4 could CP and the Chessie System agree that Chessie
5 crews could come further into Canada than they do?
6

7 A. Yes, it would be possible.
8 The granting of running rights to other roads by a
9 particular road would normally be considered at the
10 option or the prerogative of the owning railroad
11 and that is to say if CP Rail chose to grant running
12 rights to the Chessie crews beyond the point just
13 designated and say to some point east of that on the
14 London subdivision, for example, to Walkerville,
15 for example, we, as I say, would have the rights to
16 do so but certainly from my experience, past
17 experience in the rail unions and my present
18 experience on the other side of the table dealing
19 with rail unions I don't hesitate for one minute to
20 say that while we have the rights to arbitrarily
21 decide that we were going to do that, that is not
22 to say that we wouldn't get very strenuous protest on
23 the other side of the table and I would certainly
24 anticipate that CP Rail organizations, labour
25 organizations, would strenuously oppose such a move
26 purely and simply on the ground that they consider
27 it an infringement on their historical rights and
28
29
30



Nutkins, dr.ex.
(Chalmers)

EE-4

1 someone coming into their territory -- it is just a
2 common occurrence that any union jealously guards
3 with every ounce of energy within them -- they
4 jealously guard anything that they have got and are
5 very reluctant to give up anything they have got.
6

7 Again I repeat that while we have
8 the rights in so doing but I am sure that it would
9 have some serious effects on the relationship with
10 the particular rail union that may be involved.
11

12 Q. Yes. Well, what are
13 switching limits?

14 A. The switching limits are - in
15 the very old days they were recognized that yard
16 crews would work within what was then defined as
17 yard limits and yard limits extend out to a yard
18 limit sign somewhere beyond the yard.
19

20 In more recent years through
21 negotiations, particularly with the United
22 Transportation Union, we now have in the collective
23 agreement a section which establishes what is
24 referred to as switching limits and in the simplest
25 terms I would say that established switching limits
26 do no longer relate to yard limits.
27

28 The switching limits can be placed
29 beyond the yard limits as opposed to the old system
30 and if we look at the situation in Windsor yard, for



EE-5

1 example, we find that the yard limit board or yard
2 limit sign is located at Mileage 110.8 which is
3 just east of Tecumseh Road whereas the switching
4 limit by agreement with the organization which
5 dates back - I don't know exactly how far - but I
6 would say certainly prior to 1966, the switching
7 limit established and bulletined and accepted and
8 agreed to at Windsor are located at Mileage 107.
9 Mileage 107.
10

11 Now Mileage 107 is at a point
12 just about Pilette Ave. The mileage board for
13 Mileage 107 would be located just at Pilette Ave
14 or just a few feet slightly - perhaps west of
15 Pilette Ave or Pilette Road.
16

17 Q. For the assistance of the
18 Committee on CP-H, 107 is indicated in a large
19 circle just immediately south of the truck plant.
20

21 Proceed. Please continue.

22 A. Now with respect to the
23 switching limits a different set of circumstances
24 prevail than those with regard to the granting of
25 running rights.

26 Where I have previously indicated
27 that the Railways could arbitrarily grant running
28 rights to another railroad, the Railway is not in
29 the same position with respect to switching limits.
30



1 Switching limits are an integral
2 part of the collective agreement and switching limits
3 cannot arbitrarily be changed by the railway. They
4 can only be changed by the railway through an
5 agreement between the General Chairman of the
6 Union involved and the General Manager of the
7 Railway involved.
8

9 There is no possibility for
10 arbitrarily changing them at the whim of the railway.
11 It's a negotiable thing between the Union and again
12 this would certainly put the Union in a stronger
13 position by virtue of the fact that it is a
14 negotiable item and the reference, of course, to
15 switching limits is simply that the crews coming
16 from Rougemere and handling trains 937, 942 are
17 yard assignments. The come within the realm of
18 yard assignments for switching crews and for us to
19 say to our Windsor yard switching crews "You people
20 cannot go beyond Mileage 107" and then to turn around
21 and say to the same crews from the Chesapeake & Ohio,
22 "It will be okay for you fellows to go beyond 107",
23 I am sure that there would be a very real difficulty
24 there.
25

26 Q. Could we just backtrack for a
27 moment. The Powell movement would be a main line
28 movement primarily, wouldn't it?
29
30



1 A. The Powell movement --

2 Q. I am leading a little to
3 straighten this out but --
4

5 A. The Powell movement would be
6 a main line movement.

7 Q. And would the Canadian Pacific
8 crews involved be main line crews?

9 A. That's correct.

10 Q. And you have talked about the
11 Chessie crews going beyond the limits. What kind of
12 crews would Chessie have on or do you know?
13

14 A. The Chessie crews as I
15 indicated, are yard assignments and are working under
16 the yard rules and conditions so therefore I would
17 suggest that they are basically working under the
18 same type of rules and conditions as our own
19 Canadian yard crews which vary somewhat to the road
20 conditions.
21

22 Q. Thank you. Now, I want to
23 take you, if I may, to the problem which is a real
24 concern to Canadian Pacific I realize, but to those
25 opposed to the Powell Siding operations, and one of
26 their very many concerns is the traffic over Howard
27 Avenue and Walker Road.
28

29 At what pace do the trains have to
30 go at the Howard Avenue end of the Powell Siding



1 both 937 or 942 or if they are different, please
2 make that clear.

3 A. At the Howard Avenue end of
4 Powell Siding a movement from Powell Siding to the
5 main track or from Powell Siding to the diverging
6 route towards the Essex terminal trackage would
7 require to be made at 15 miles per hour.
8

9 Q. Yes, and why is that?

10 A. That is because the signal
11 at that location, the signal indication that would
12 be given and would have to be complied with would
13 be a restricting signal.
14

15 Q. And on Howard Avenue -- does
16 that vary depending on whether the trains are on
17 the siding or on the main line track?
18

19 A. No. There would be -- if
20 we were discussing a movement onto the Essex
21 terminal trackage towards the Conrail trackage and
22 hence to the tunnel, it would matter not whether the
23 train was leaving from Powell Siding or whether it
24 had come from another location, hypothetical,
25 Walkerville, along the main line and diverging onto
26 the Essex terminal trackage. The speed requirement
27 in both cases would be 15 miles per hour and there
28 would be no change.
29

30 Q. Now, is the situation the
same or different at the Walker Road end of Powell?



FF.1
PC/ko

1 A. At the Walker Road end of
2 Powell Siding, as it is presently signalled, there
3 would again be a requirement to maintain or live up
4 to restricted speeds, as indicated on the signal,
5 which would mean the train must enter the siding
6 at 15 miles per hour and it would also leave the
7 siding at 15 miles per hour.
8

9 Q. And how long would it take
10 the main line train to cross Walker Road?

11 A. The main line train crossing
12 Walker Road and entering the siding, if that is the
13 question, bearing in mind we have never really been
14 able to run a train over Walker Road into Powell
15 Siding, we have in the past been able to back one in
16 over the circuitous route as previously described.
17

18 Q. But assume the hypothetical
19 operation and make a hypothetical answer.

20 A. In that case, my answer would
21 be somewhere in the area of a little over four minutes
22 to four and a half minutes and maybe, possibly,
23 extending to five minutes, but I would think, in my
24 own opinion, I would say it would be closer to four
25 and a half minutes to take a train into the siding
26 and make the stop; living up to the speed of 15 miles
27 per hour, I would say in my own opinion, it could be
28 done in four and a half minutes.
29
30



FF 2

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Q. Now, if we go back, and I do not know if we can find it, back to Exhibit CP-E, sheet 1. Exhibit CP-E, sheet 1, shows a total blockage of Tecumseh Road of close to an hour, by the present operation to shunt these trains, these particular trains, through the yard; what comparison would you make between the addition to the blocking of Walker Road by the Powell operation to the diminution of the blocking of Tecumseh Road by the Powell -- by the institution of the Powell operation as to both to which you have given evidence?

How do the two compare? How much do we take off the blocking of Tecumseh as compared to how much do we add to the blocking of Walker?

I think it may be a matter of arithmetic.

A. Yes.

I think the record -- the recorded times, as they stand, certainly indicate, in my mind at any rate, indicate what the crossing blockage times are at Tecumseh Road. If we look for a moment at the crossing blockage of times at Walker Road by virtue of going into Powell Siding, as opposed to a main line movement over Walker Road, when I stated it would take four and a half minutes to go into the siding, it must be clearly understood that that is not



FF 3

1 an additional four and a half minutes blockage of
2 Walker Road.

3 Any additional blockage would be the
4 difference between the time that a main line movement
5 would block it, and the time that a movement going into
6 the siding would block it. With respect to this, I
7 would say main line movement over Walker Road is
8 restricted to 35 miles an hour by virtue of the
9 speed restriction imposed on the Chesapeake & Ohio
10 diamond.
11

12 So, what we are looking at really in
13 the Walker Road area is a main line movement
14 restricted to 35 miles per hour, as opposed to a
15 movement into the siding restricted, at the present
16 time, to 15 miles per hour and I would say that the
17 added time of crossing blockage at Walker Road would
18 be considered, and I am only taking these figures
19 trying to estimate, but I would say the difference
20 would be something in the order between one minute
21 and one and a half minutes.
22

23 I would assume that that would be
24 pretty close. I think it may take one and a half
25 minutes longer to make the 15 miles per hour moving
26 into the siding, than it would to make the 35 miles
27 per hour movement down the main track but it may
28 extend, may even extend to two minutes. I would not
29
30



FF 4

1 like to tie myself down absolutely to that but let's
2 say it would be somewhere in the area of two minutes.

3 Q. Being conservative, Mr. Nutkins,
4 does that two minutes become four minutes when you
5 consider both 937 and 942?

6 A. Yes. Considering 937 and 942
7 that would be doubled and if the two minutes is an
8 accurate figure in one case, then four minutes would
9 be equally accurate combining the two and that would
10 be the fair way to put it.

12 Q. Is that the number -- have we
13 got all the crossings over Walker Road?

14 A. We have got all the crossings
15 over Walker Road.

16 Q. There are just the two or are
17 there more?

18 A. Of this particular train?

19 Q. Of these two trains.

20 A. Yes. There would only be one
21 crossing at Walker Road as 937 enters and one crossing
22 at Walker Road as 942 departs.

23 I would point out in the method that
24 we had to use before when Powell Siding was in
25 operation, as described earlier, the circuitous route
26 through Pelton Junction, that in fact did require two
27 blockages as 942 arrived and left and two blockages at
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FF 5

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Walker Road when 937 arrived and left, but it would not be the case with the proposed operation with a run through completely through Powell Siding.

MR. CHALMERS: If I may say to the Commission, and perhaps I should have said it at the opening, Canadian Pacific is not about to present a case, that is, a historical case about Powell Siding. There are a lot of things that we are ashamed of and we have been slapped on the wrist for it, and that is, no doubt as it should be, but our case being presented to you, sir, is the sort of case you have been hearing evidence on; in 1978 the siding is safe and necessary in the interest, and as described to us under this witness, to society.

We are not going to present a case on the history. That may be remiss but we feel that is behind and I am sure the case that is presented against us and is presented by those who oppose will be admissible evidence and I am sure you will take it into consideration and we may reply but we do not intend to adduce that particular body of evidence.

THE CHAIRMAN: I think since we have hit the 3:30 mark we will take a short break.

--- Brief recess

--- On resuming

THE HEARING PROCESS OFFICER: Order

please, order.



FF 6

THE CHAIRMAN: Please be seated.

Before the evidence recommences I have an announcement I wish to make on behalf of the Panel. We would like to start the hearing tomorrow morning at 9:30 instead of at 10 o'clock, so we will start tomorrow morning at 9:30.

MR. CHALMERS: Thank you. I appreciate your kindness in doing that.

Q. Now, Mr. Nutkins, does Canadian Pacific, or, for that matter, the Chessie system handle high explosives through the tunnel?

A. No. High explosives are one commodity that are prohibited from transport through the tunnel. They are directly prohibited through the regulations governing movement of dangerous commodities by rail as issued by the Railway Transport Committee.

Q. That would of course apply in both directions?

A. The similar regulations would be applied to U.S. traffic by the ICC in the U.S. They as well would prohibit the transportation of dynamite or high explosives through the tunnel.

Q. Incidentally, which country is the tunnel in? I think that is apparent from the exhibits.



FF 7

1 A. I guess the tunnel is in both
2 countries. The international boundary, as I under-
3 stand it, is in the centre of the tunnel and the
4 Conrail timetable indicates a point of the
5 international boundary.
6

7 Q. Thank you.

8 Now, would 937 or 942 contain
9 sulphuric acid cars?

10 A. 937 and 942 could contain
11 sulphuric acid cars, that is correct.

12 It is considered in the dangerous
13 commodity category and the consist of either train
14 could include such a car.
15

16 Q. Well, are you familiar with
17 so-called acid trains coming through Windsor?

18 A. Yes, very much.

19 We have two acid trains currently
20 moving between -- one between Copper Cliff and
21 Amherstburg and the second one between Copper Cliff
22 and River Rouge on the Detroit side.
23

24 Q. And what acid are they
25 carrying?

26 A. I believe it is sulphuric
27 acid but I am not certain but I would say it probably
28 is sulphuric acid.

29 Q. And how are they or how would
30



FF 8 1 they be carried past -- on which track would or do
2 they or would they go between Howard and Walker?

3 A. They would use the main track.
4 They are what we refer to as unit acid trains and they
5 would use the main track.
6

7 In the case of the Amherstburg routed
8 acid train, it would use the main track, go over the
9 Essex terminal trackage and it is in fact delivered
10 to the Essex terminal for furtherance to Amherstburg
11 by their crews.

12 In the case of the River Rouge movement,
13 it would be handled again along the main track between
14 Powell Sidings over the connection to the Essex
15 terminal trackage and to the Conrail interchange to
16 which I referred to some time ago adjacent to the
17 Conrail trackage. The train is delivered to Conrail
18 at that point and is handled from there to River
19 Rouge by Conrail crews.
20

21 Q. Yes.

22 What do you, as a railroad man, under-
23 stand by the expression dangerous commodities?
24

3 25 A. Dangerous commodities are
26 rather a vast classification of commodity. I could
27 not begin to describe them all or list them all.
28 They are really -- there really are quite a few and
29 there are varying degrees of danger, varying
30



FF 9

1 requirements for handling and it is quite a complex
2 group of commodities.

3 Some examples, if you require some
4 examples, are: propane gas would be considered in
5 the dangerous commodity category. Nitric acid would
6 be. Sulphuric acid. I think some of the polyvinyl
7 compounds. Commodities such as those would certainly
8 be classed in my understanding as dangerous
9 commodities and regulated in accordance with
10 dangerous commodity regulations.
11

12 Q. And high explosives, I asked
13 you about?

14 A. High explosives, certainly
15 they are a dangerous commodity but they are not
16 lumped into the same category as dangerous commodities
17 and the handling of a dangerous commodity group would
18 not necessarily be the same as the handling of a load
19 of high explosives. The handling of a load of high
20 explosives is a great deal more restrictive and
21 certainly the restrictions are referred to, there is
22 a prohibition for the transporting through the
23 Detroit/Windsor tunnel.
24
25

26 MR. CHALMERS: Excuse me.

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GG-1

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Q. Would there be dangerous commodities, are there or will there continue to be dangerous commodities on 937 and 942?

A. Yes, there are dangerous commodities presently handled on 937 and 942. And I must say that they would continue to be handled on these trains.

Q. And I believe you are familiar with the percentage of traffic on these trains, the percentage of dangerous commodity traffic through Windsor which is carried on those trains. I may be expressing myself badly. Please correct me if I am wrong.

A. Yes, I have a pretty good idea of what dangerous commodities have been handled on trains 937 and 942. And, of course, this would represent dangerous commodities that would go into Powell Sidings if indeed Powell Sidings were in use for the accommodation of trains 937 and 942.

Q. And what percentages would that be of the dangerous commodities handled through Windsor?

A. In the first ten months of 1977 it amounted to, taking the total number of dangerous commodities handled by CP Rail on the Windsor subdivision east and west through the area



GG-2

1 under review 4.2% of the total were cars in the
2 dangerous commodity category that were handled on
3 trains 937, 942.
4

5 Q. And do you know if there
6 are commodities in this category you have of
7 "Dangerous Commodities" that would be handled on
8 the other three, two-way interchanges that you are
9 apparently hopeful of putting through Powell
10 Siding if you are able to use it?
11

12 A. Yes, most certainly there
13 would be dangerous commodities on those groups as
14 well.
15

16 Q. Now have you any view as
17 to the danger, you heard the Chairman talking about
18 the saw-off that one needs. Have you any view as
19 to the degree of danger, degree of risk and the
20 position of the railroads in carrying these
21 commodities? At least in your railroading
22 experience?
23

24 A. Yes, I have a very definite
25 view. And I would say that the Canadian Pacific
26 like any other carrier, is certainly not insensitive
27 to nor do they overlook the inherent problems in
28 handling dangerous commodities.
29

30 I must say that this broad group of
commodities listed as dangerous commodities are that



GG-3 1 broad or broad to that extent that I would suggest
2 that hardly an item in our day to day life would
3 not in some way or other be affected by dangerous
4 commodities from the use of the family automobile
5 to the use of the propane barbecue in the backyard.
6 And I suppose I could go on all afternoon naming
7 things that we use in our society today that are
8 there by virtue of the fact that they are
9 dangerous commodities moved from A to B to be used
10 in the production of these various items.
11

12 And I think very strongly that
13 the movement of dangerous commodities is really in
14 our society a fact of life. I think that everybody
15 recognizes that the dangerous commodities, if we
16 are to have what we have today, must move from A
17 to B. And if they do not move by rail transport
18 they will certainly have to move by road transport
19 or by some other means of transportation.
20

21 I see no other means by which the
22 dangerous commodities could be moved.
23

24 Q. Acting as I do in other
25 matters for Smith Transport and CP trucks, I am
26 delighted to ask the next question.

27 Have you any view as to the
28 relative danger of carrying dangerous commodities
29 on railways and highways? You in effect said that
30



GG-4

1 if you do not do it highway carriers will get them,
2 if that's the correct summary of your evidence.
3 That may not be. Have you any view as to the
4 relative safety of the two modes of transportation
5 for dangerous commodities?

6 A. Yes, I have some personal
7 views. One need only be driving along the 401
8 Highway, for example, at the rated highway speed
9 and note the tank trucks passing you and passing at
10 a rate of speed that makes you wonder whether or
11 not you are parked.

12 I have seen this myself personally
13 and I am certain many other people have seen it.
14 It is my view really and quite frankly it is my
15 view that dangerous commodities handled on the
16 Canadian Railroads and the U.S. Railroads are
17 regulated to a far greater degree than they
18 possibly are on highway transports.

19 Now I recognize the fact that I
20 am not an expert on highway transport. And perhaps
21 I am treading on dangerous ground by making a
22 comparison. But I do know something about the
23 regulations as they apply to the railway carrier.
24 And in this regard, of course, we on the railway
25 are regulated very closely and very severely, very
26 strictly and rightly so I might add, by the
27
28
29
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GG-5

1 regulations issued by the Railway Transport
2 Committee with relation to the handling of dangerous
3 commodities by rail.

4 This regulation or this book is
5 I think referred to as the Red Book and is quite a
6 thick book. It contains a lot of regulations, a
7 lot of very severe and strict regulations which the
8 Railway must abide by. And I would say that CP Rail
9 and other railroads in Canada take this very
10 seriously. It is not a matter that they take lightly
11 at all. And any of the regulations that have been
12 laid down have to be strictly adhered to.

13 Q. Are there similar
14 regulations on the United States traffic moving into
15 Canada?

16 A. Yes, I am not as familiar
17 with the ICC sponsored regulations. But I would, it
18 is my understanding that the regulations laid down by
19 the ICC in the United States are pretty well similar
20 to the regulations laid down by the Railway Transport
21 Committee in Canada.

22 I would say one thing in this
23 regard, though. I know there is one difference at
24 this point in time. The Railways in Canada have
25 adopted in addition to the standing regulations, they
26 have adopted what is referred to as a Hazard Response

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GG-6

1 form which on Canadian railroads must accompany
2 every car that is in the dangerous commodity
3 category. It must be in the hands of the conductor
4 of the train handling the dangerous commodity.

5 Q. I was going to ask, first
6 of all under the CTC regulations are you familiar
7 with the requirements for shippers under those
8 regulations?

9 A. I may not be able to
10 recite them all but I know that insofar as shippers
11 are concerned, they are responsible to see that
12 the car is properly and safely loaded in compliance
13 with the regulations laid out.

14 They must assure that the car, if
15 placarding is required, the car must be properly
16 placarded.

17 They must before the cars move
18 from their siding, they must supply a Hazard
19 Response form which will be delivered to the train
20 crew handling the car. And there are many others,
21 for the moment I just cannot recite them all.

22 Q. There is something called
23 the Emergency Response form. Is it the same thing
24 as the Hazard Response form that you are talking
25 about?

26 A. Yes, that is the Emergency

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TORONTO, ONTARIO

Nutkins, dr.ex.
(Chalmers)

GG-7

1 Response form.

2 Q. Can you give examples of
3 the requirement of carriers or perhaps you -- ?

4 A. The carriers --

5 Q. This is under the CTC
6 regulations which mind you, I am sure sir, you
7 are thoroughly familiar but I thought it should be --
8

9 A. The regulations that are
10 applied directly to carriers would require, for
11 example, that a load of dangerous commodities be
12 properly inspected at the point where it's received
13 be properly inspected at every interchange point;
14 be properly placarded, that the billing information
15 on the car waybill is proper and in accordance with
16 the governing regulations; that the Hazard Response
17 form has been received and made out properly by the
18 shipper.
19

20 And again there are many more but
21 I cannot recall them all at this moment.

22 Q. In relation to dangerous
23 commodities is CP Rail subject to outside
24 surveillance and assistance in handling such
25 commodities?
26

27 A. Yes. There is an
28 organization, I believe referred to as the Bureau
29 of Explosives. They have a Bureau of Explosives
30



GG-8

1 Inspector. And it is my understanding that he is
2 actually employed and the Bureau of Explosives are
3 there by virtue of being organized by the AAR or
4 the American Association of Railroads of which
5 I guess all major Canadian carriers are members.
6

7 Q. You are not now talking
8 about the Explosives Act of Canada, you are talking
9 about AAR activity?

10 A. I am referring to the
11 Bureau of what we know as the Bureau of Explosives
12 and the Bureau of Explosives Inspector or
13 Inspectors.
14

15 Q. And what does he do, you
16 have not told us.

17 A. Well he monitors activities
18 on the railway related to dangerous commodities
19 coming under that category. He would visit
20 shippers of these commodities, I would expect, to
21 ensure that they are properly packaging or loading
22 the commodity; and doing everything in his line
23 of endeavour to ensure safety of the movement of
24 the commodity from A to B.
25

26 Q. Yes, and does the
27 Commission before which we are appearing today,
28 have Dangerous Commodity Inspectors?

29 A. Yes, the Railway Transport
30



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TORONTO, ONTARIO

Nutkins, dr. ex.
(Chalmers)

GG-9 1 Committee has seen fit, and rightly so, have seen
2 fit to I believe greatly expand their dangerous
3 commodity section. And it is my understanding
4 that they have several dangerous commodity
5 inspectors in the field whom we see from time to
6 time. And there is, I would expect that it is
7 their responsibility to be monitoring our
8 activities as a rail carrier to ensure that we
9 are in fact complying with all the regulations
10 laid down by the Railway Transport Committee.
11

12 Q. And are you familiar with
13 something called the Transportation Emergency
14 Assistance Plan? And if so, what is it?
15

16 A. Yes, this is referred to
17 sometimes as the TEAP Organization and it is an
18 organization made up of the various chemical
19 industries in Canada and the U.S.
20

21 For example Dow or any other major
22 chemical industry. They would be participants
23 in this organization.
24

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1 ... and they have people at various locations,
2 strategic locations throughout the U.S. and Canada
3 who respond to emergencies on a 24 hour basis.

4 Q. And propane gas? The Propane
5 Gas Association?

6 A. The Propane Gas Association
7 would be the same type of association only their
8 efforts would be directed mainly towards the handling
9 and movement of LPG gas or liquid petroleum gas.
10

11 Q. Okay, and does CP Rail take
12 steps in house of its own volition in relation to
13 dangerous commodities?

14 A. Yes indeed we do. We have
15 an active effort in our own organization with respect
16 to dangerous commodities. We now have, on the
17 Eastern Region which London Division incidentally is
18 a part of, we have a Director and Assistant Director
19 of Dangerous Commodities and these two gentlemen --
20 it is their direct responsibility to go about the
21 Eastern Region of Canadian Pacific and discuss
22 regulations with people such as the Customer Service
23 Centre people who are responsible for the proper
24 waybiling from the bills of lading. They will talk
25 to switching crews, train crews. They will talk to
26 operating officers. They hold seminars for our
27 operating people.
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HH 2

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We recently, for example, held a seminar for our operating people in London on the London Division and it was not a voluntary type of thing. This was made mandatory and in so doing of course we had to pay the organized people or the train men for their attendance.

At seminars such as this movies are shown and regulations are discussed and questions are answered in a supreme effort to make sure that our running trade crews and our switching crews are fully aware and fully up to date with the requirements insofar as the handling of dangerous commodities are concerned.

Q. If the rules in regard to dangerous commodities are violated is there any consequence for our colleague who violates them?

A. Yes. I am fairly certain that a violation of any of the RTC regulations would entail the imposition of a fine or some sort of penalty.

I don't know exactly what the various penalties may be but I am sure there is a provision for penalizing a violator.

Q. Now you have mentioned the emergency response manual or hazard response manual. I think you mentioned documentation procedures. Is that involved in your educational programs? Perhaps



HH 3

1 it isn't?

2 A. Yes. That is involved in the
3 educational program conducted by our Director and
4 Assistant Director of Dangerous Commodities as they
5 go about the region visiting the various locations.
6

7 There is also a printed manual in the
8 hands of the various customer service centres where
9 waybilling is carried out and all of the regulations
10 related to the proper billing of dangerous commodities
11 are spelled out in these regulations and the people
12 required to do this waybilling have constant reference
13 to the requirements of the manual.
14

15 Q. Now is there anything in your
16 general operating instructions (to which reference
17 has already been made I believe in another connection
18 in your evidence) about dangerous commodities?

19 A. Our general operating
20 instructions, sometimes referred to as the CS-44, is
21 a book that must be in the hands of all train crew
22 members. They must be fully familiar with it and they
23 must have it accessible while on duty and the CS-44
24 deals with many aspects of rail operations plus
25 Section 8 of this particular document deals exclusively
26 with the regulations pertaining to the handling of
27 dangerous commodities and I believe Section 8 has
28 approximately 28 pages of the various regulations
29
30



H 4

1 which bear directly on the activities of the train
2 crews and the switching crews in the performance of
3 their duties where they may be required to handle
4 dangerous commodities.

5 Q. What is the Car Department of
6 CP Rail?

7 A. The Car Department is that
8 portion of CP Rail or that department of CP Rail
9 that looks after the maintenance of the rolling
10 stock equipment.

11 Q. And does it have any procedures
12 in relation to dangerous commodities?

13 A. Yes. They also have a manual
14 at their disposal and written for the express purpose
15 of spelling out any requirements related to their
16 particular activities such as the proper inspection
17 of cars containing dangerous commodities and many
18 many other regulations.

19 Q. Now in relation to the Car
20 Department, does the educational program you
21 described extend to the Mechanical and Car Department
22 personnel on some special basis?

23 A. Most certainly. It does extend
24 to the Car Department. I would say that it extends
25 to each department within CP Rail that has any
26 responsibility for the handling of dangerous
27
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ANGUS, STONEHOUSE & CO. LTD.
TORONTO, ONTARIO

Nutkins, dr.ex.
(Chalmers)

HH 5

1 commodities whatsoever.

2 Q. And is there any special
3 application of that program of education and so on
4 in the Car Department in relation to tank cars?

5 A. Yes. Tank cars come under
6 very close scrutiny of the Car Department. They must
7 make certain that certain valves are properly
8 positioned and I don't really know all of the parts
9 of a tank car but there are certainly regulations
10 requiring that they be placarded. As a car inspector
11 or a car man that is a member of the Car Department
12 does his routine duty in inspecting a train or
13 inspecting traffic being received from an interchange,
14 for example, part of his responsibility would be to
15 ensure that the required placards were properly in
16 place in all of the locations on the car where they
17 are required.

2

20 Q. Does your crew training in
21 relation to dangerous commodities extend to the
22 manner of marshalling and so on? That may not be
23 relevant to what is before the Board but --

24 A. Yes, certainly. In Section 8
25 of CS-44 there are definite instructions relating
26 to the switching of dangerous commodities and to the
27 required location of dangerous commodities within the
28 train. For example, one regulation would be that
29
30



Nutkins, dr.ex.
(Chalmers)

HH 6

1 dangerous commodities -- they must be at least six
2 cars back of the diesel unit. There are many
3 regulations and that's one example.

4 Q. Have you any views as to the
5 change or otherwise of hazard of dangerous commodities
6 arising through the operation of Powell Siding as
7 you seek to operate it in this Application?
8

9 A. No. I frankly must say that
10 I see no added dangers by the use of Powell Siding
11 with respect to dangerous commodities.

12 The use of Powell Siding, as already
13 indicated, means a movement of 15 miles per hour for
14 example as opposed to train movements on the main
15 track of perhaps 60 miles per hour.

16 Q. And is there any relevance to
17 the handling of dangerous commodities with the use
18 of power switches at Powell?
19

20 A. No. If anything, power
21 switches would make the handling of all traffic
22 including dangerous commodities more safe rather than
23 more dangerous.
24

25 Q. Okay. I am sorry. If I can
26 drop the dangerous commodities. Is there any change
27 in the risk of accidents at Powell because of the use
28 of electric switches or power switches?
29

30 A. I would say not. I would say



7

1 that in addressing myself to the problem of train
2 accidents or train derailments (and I know most
3 certainly that the people in Windsor have expressed
4 concern about some derailments that they have had in
5 Windsor) and I can certainly understand why they
6 would be concerned about it -- I think this is quite
7 understandable.
8

9 I know that particularly there have
10 been a couple of derailments on another railroad in
11 Windsor and I think that many of the references made
12 have been made to those particular derailments and I
13 can certainly understand why they would be made.
14

15 I, of course, had nothing to do with
16 naturally the investigation of these accidents but I
17 do understand that in both cases they involved
18 passenger trains and the reason they derailed was
19 because switches were tampered with.
20

21 It is my understanding that the most
22 recent one has been fully investigated and I believe
23 the person or persons involved in tampering with the
24 switch have been apprehended. I think that is a
25 matter of public knowledge.
26

27 Q. The investigation would be by
28 the CTC, would it?
29

30 A. I would expect that certainly
the investigation -- there would be an investigation



HH 8

1 by the railway but I am certain also that the RTC
2 inspectors would investigate such accidents.

3 Q. And what was the nature of
4 the switches at the scenes of these accidents if you
5 know?

6 A. Yes. The particular accidents
7 that have been referred to on several occasions
8 happened, first of all, on non-blocking signal
9 trackage. This means that it was trackage not
10 controlled by blocking signal indication. It was
11 also as I understand it at locations where there are
12 hand thrown switches in use and if we compare that
13 situation with the situation that prevails at Powell
14 Siding, I would hasten to point out that at Powell
15 Siding we have power switches at both ends of both
16 tracks and I would also hasten to comment that in the
17 area of tampering with switches I would say that
18 tampering with a power switch as compared to tampering
19 with a hand thrown switch -- it would be virtually
20 impossible to tamper with the power switch without
21 the railway knowing about it.
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II-1

PC-eg

1 I think perhaps this deserves some explanation:
2 dealing first of all with a hand throw switch in a
3 territory that is not protected with block signals,
4 a person so desiring could simply knock off a lock
5 or saw off a lock and they can raise the handle of
6 the switch up onto the quadrant and just let it
7 sit on there and the engineer of the train
8 approaching that switch, which is now in a partially
9 opened condition, has no real indication that the
10 switch is not properly lined and secure until he
11 would be right on top of it and it would be too
12 late.
13

14 This compared with the situation
15 that prevails at Powell Siding, is quite different.
16 At Powell Siding the switches are power-operated
17 switches. For anyone to vandalize the power-
18 operated switch or to tamper with a power-operated
19 switch, they would have to know quite a bit more
20 about switches than what they would have to know
21 about a hand throw switch. But, given the fact
22 that they do know how to do it, the requirement
23 would be that they would have to first of all
24 remove the lock, the switch; the lever that
25 actually physically manipulates the switch point
26 back and forth, cannot be moved with the switch
27 lock just taken off. It would be necessary at
28
29
30



II-2

1 removing the switch lock for the vandal to throw
2 a lever which is referred to as a power on, power
3 off lever.
4

5 While the lever is in the normal
6 position of power on, this simply means that the
7 switch can only be operated by power, through the
8 medium of the operator of the particular control
9 panel, pressing the appropriate buttons, and moving
10 the appropriate levers to accommodate such
11 movement.
12

13 Q. Yes.

14 And, supposing he has succeeded in
15 doing that. Would there be some indication
16 somewhere else or perhaps you have covered that?

17 A. Yes. If he were
18 successful and knew enough how to do it, and got the
19 lock off, and threw the power lever into the hand
20 throw position to enable him to then physically
21 move the switch points by hand using the appropriate
22 lever, as soon as the power operating switch is
23 raised and thrown over to a hand throw position,
24 immediately a light on the operator's panel at the
25 Central Traffic Control panel, a light will light
26 up. The operator will realize there is no reason,
27 no logical reason for this light to be lighted
28 and his first response to that would be to dispatch
29
30



II-3

1 a signal maintainer or some other rail personnel
2 to go to the switch to determine what the problem
3 is because the presence of this light when it
4 should not be there is a clear indication to him
5 that either there is a failure of some kind within
6 the switch or the switch has been taken off power.

7 In addition to that, and I guess
8 the most important thing that happens is, assume
9 if the lock were not off and the power lever
10 reversed to allow a hand throw situation,
11 immediately the block signal would turn to stop
12 and any train approaching would get a stop signal
13 at that particular location. He would get an
14 approach signal at probably two signal locations
15 in advance and in this manner I would suggest if
16 a switch were successfully tampered with at
17 Powell Siding, first of all the train would stop
18 before he reached the switch because he would not
19 have the signal indication to proceed and
20 secondly, the operator at the CTC panel would
21 have been alerted and would have dispatched
22 someone to see what the problem is.

26 Q. Yes. Now, are there
27 other circumstances other than a thrown switch
28 which would cause the signals to go to stop?

29 A. Yes. If there were a

30



II-4

1 broken rail in the area or if the locking mechanism
2 within the power switch had not properly engaged
3 the signal cannot go to anything else but stop.
4

5 In my opinion a power switch is
6 the safest type of switch that the railway has
7 and I do not believe that there is really any
8 comparison, safety-wise, between a power switch,
9 such as we have at Powell Siding, and the standard
10 hand thrown switches which we have at most other
11 locations.
12

13 Q. Now, you may have
14 covered this but how about the signal indication
15 for a movement through the switches. Is that
16 affected in a manner that is protected in some way?

17 A. Yes. If for any reason
18 the switch is defective, not properly lined or
19 the locking bar mechanism not completely engaged
20 within the mechanical part of the switch, the
21 signal will be stop and there will be no movement
22 through the switch.
23

24 All the field conditions, as we
25 refer to them, field conditions, all the field
26 conditions must be correct for the light to come in
27 and indicate movement through the switch and when I
28 refer to field conditions, I mean the switch must
29 be in the proper position, the locking mechanism
30



II-5

1 must be completely engaged. There must be no broken
2 rail in the section of trackage being controlled by
3 the signal. These are field conditions which
4 must be met before the signal can - it is just
5 impossible the way the signal systems are designed
6 today. It is impossible for a signal to display
7 anything but a stop signal unless all these field
8 conditions are proper.
9

10 Q. What do you understand
11 by the expression guard rail?
12

13 A. A guard rail would be a
14 rail that would parallel one of the rails of the
15 main line or a siding. I think a good example
16 perhaps would be on our railway bridges and I
17 think any bridge over 30 foot in length, I'm not
18 certain on that, I think it is any bridge exceeding
19 30 foot in length. We have what we refer to as a
20 Jordan rail and this is a form of guard rail.
21

22 Q. And -- well, how does that
23 function? What does that accomplish, a guard rail?
24

25 A. The reason for such a
26 guard rail would be simply it would be installed in
27 a location where a derailment, in the event of a
28 derailment - it is very important that the
29 derailed cars remain close to the main track as
30 opposed to being free to go any distance unrestricted.



1 What it does really, assuming for
2 example that we had a derailment, a car or a wheel
3 derailed to the north of a track. Now, if we had
4 a guard rail to the north of the south rail, as
5 the derailment occurs from the south rail it will
6 drop to the ties and the guard rail then will
7 prohibit the car from going any further than the
8 guard rail. The guard rail actually keeps the
9 car in line, so to speak, so as it minimizes the
10 distance that the derailed car can go from the
11 track itself.
12

13 Q. Now, is there an Ontario
14 Hydro Electric Commission line (and there will be
15 more evidence on that, sir). Is there an Ontario
16 Hydro Electric Commission line along one side of
17 the right-of-way and indeed, on the right-of-way
18 at the Powell Siding location?
19

20 A. Yes, there is. A Hydro
21 Electric Power line on the north, to the north of
22 the north siding.
23

24 Q. Yes. Are you aware of
25 some concern about the danger of this wire in
26 relation to derailment?
27

28 A. That is correct, sir. I
29 know there have been many concerns expressed
30 regarding derailments because of the Hydro Electric



1 Power line. I am aware of that.

2 Q. Do you feel qualified to
3 have any view about that?

4 A. Well, I would have to say
5 that it probably is a possibility. I cannot for
6 one minute overrule the possibility of a derailment
7 even on track where the train is only running 15
8 miles per hour. I would certainly say if we had
9 the misfortune of having a derailment in a siding
10 track at a speed of 15 miles per hour, it would not --
11 I would not anticipate a serious derailment.

12 I think the derailment would be
13 quite minor as compared to a similar derailment on
14 high speed track but nevertheless, I agree that the
15 possibility of a derailment on that track or any
16 other track in all honesty, always does exist.

17 Q. And has any thought been
18 given to inserting a guard rail on the track and
19 you will not find this in any plan or whatever
20 filed by Canadian Pacific. Has any thought been
21 given to the erection of the guard rail at the north
22 side of the northern most track of the three tracks?

23 A. Yes, we have considered
24 this and I would say with these concerns that have
25 been expressed, I certainly feel CP Rail and myself
26 included keep an open mind to a situation and if
27
28
29
30



1 any improvement can be made upon what is there,
2 then we would certainly take a hard and fast look
3 at it and we have taken a look at this particular
4 possibility and we feel that we could indeed install
5 a guardrail along to the north of the south rail
6 which would effectively keep any derailed cars in
7 line and to keep them from going toward the north
8 right-of-way and therefore I would feel effectively
9 keep them from possibly coming into contact with
10 the Hydro Electric Power line tower and I would say
11 that we are quite prepared although this has not
12 been done, I agree that it is not there now and it
13 has not been done but I would be prepared to state
14 that it would be done if that were deemed necessary
15 and appropriate.

18 Q. I am still trying to
19 follow it. The north side of the south rail of
20 the north track. Is that --

22 A. I had better make certain
23 I know what I am talking about myself. We are
24 talking about the north Powell Siding and that is
25 the Powell Siding adjacent to the power line. The
26 north track of the north Powell Siding is closest
27 to the power lines. The south rail of the north
28 Powell Siding is closest to the main track.
29
30



JJ.1
NG/ko

1 It would be my suggestion that if we were to run a
2 guard rail along to the inside of the south rail of
3 the north track, that would serve the purpose of
4 adequately protecting against the possibility of
5 derailment going to the north towards the power
6 lines. And I think I have that figured out correctly.

7 Q. Now you gave in evidence that
8 you have been a Road Foreman of Engines. That
9 position still exists I gather?
10

11 A. Yes, we still have the position
12 of Road Foreman of Engines in the Eastern Region,
13 that's correct.

14 Q. And does the incumbent of that
15 position exercise some control over the crews of
16 locomotives?
17

18 A. Yes, that is his main function
19 to monitor the activity and procedures of the
20 locomotive engine man and to acquaint him with any
21 new techniques, new braking equipment or anything
22 that is new and requires some educational assistance.
23 This would fall within the responsibilities of the
24 Road Foreman of Engines.
25

26 Q. Now the evidence of other
27 witnesses should be that smoke and pollution and
28 noise and other objectionable results of railroading
29 activity at Powell Sidings can be greatly reduced.
30



JJ 2

1 That should be their evidence, if the evidence is
2 that can be reduced by insistance by Canadian Pacific
3 on techniques of running the locomotives involving
4 throttle openings and I do not know what else, it is
5 a simple order, if that sort of evidence is given and
6 the Commission says to Canadian Pacific, run on
7 Powell Siding providing you, perhaps in great detail
8 I do not know, it is up to them; providing you operate
9 in a certain way, can you make that step through your
10 Road Master of Engines?
11

12 A. Yes. If the Road Foreman of
13 Engines were required for any purpose at all on the
14 London Division he will come under my supervision as
15 Superintendent. And if he were required to do any-
16 thing in the way of crew training, would most certainly
17 I can most certainly assure you that it would be done
18 and done properly.
19

20 Q. I think there is a letter to
21 the Commission, I think it is in this round. It
22 refers to the locomotive engineer last time, he must
23 have been a frustrated I forget what it was, but the
24 manner in which it runs -- I take it you are capable
25 of doing this.
26

27 Now I believe there is something that
28 you wish to add to your own evidence that you had to
29 say. Would you like to say that to the Commissioners?
30



JJ 3

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A. Yes, I would simply like to make a very brief statement gentlemen, pointing out that since my appointment as Superintendent of the London Division I have spent a great deal of time with the problem that exists in Windsor.

I have spent a lot of time in Windsor, I have spent a lot of time riding trains back and forth to Detroit, I have spent a lot of time in various places on the Conrail system in the Detroit area. I have done everything in my power to become closely associated with and fully informed with the problems that do exist.

In any industry where a problem exists involving lack of production or inefficiency, most certainly very often people are prone to say or to think that it must be man failure, it must be that they do not have the right people at the right place. They must have people who don't care, they must have people who are not interested or do not like their job. And I would like to simply state very briefly that the team here in Windsor that I work shoulder to shoulder with, and work shoulder to shoulder with me, I say without any reservations, sirs, that I have an excellent Assistant Superintendent in Windsor who brings with him a vast amount of operating experience.

I have no hesitation in saying that



JJ 4

1 I have one of the best General Yard Masters on the
2 system who has spent his lifetime, I believe,
3 approximately 31 years of railroading has been spent
4 right here in Windsor yard. There is no man who knows
5 Windsor yard better, not a man who rises to the
6 problems any better or any faster or works any harder
7 or more dilligently. Right down through the whole
8 system in Windsor to the Assistant General Yard
9 Master, the yard masters themselves, the crews that
10 switch in Windsor and the crews that work in and out
11 of Windsor. I say without any reservation, sirs,
12 that these men are fine men.
13

14 I repeat that I have got one of the
15 finest teams here in Windsor that any superintendent
16 could hope to have. And I say further that the
17 problems that do exist here, if they were solvable
18 by people addressing themselves to it, by exercising
19 or displaying initiatives and tenacity and hard work,
20 if they were solvable in that manner, sirs, they
21 would have been solved a long time ago.
22

23 It is purely and simply a fact that it
24 is not in any way a failure, a man failure or a team
25 failure. It is purely and simply a situation where
26 the existing plant is not adequate, the existing
27 methods of operation are not proper, are not right.
28 And I must say that given these facts we will never
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JJ 5

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be able to do the job as a common carrier is supposed to do until there is some sort of relief as far as our physical problems are concerned.

Q. You are free to re-attend, you will re-attend for cross-examination in early January as directed by the Commissioner, Mr. Nutkins?

A. Yes, I will sir.

--- Witness withdraws

MR. CHALMERS: Mr. Commissioner, the next witness will take ten minutes approximately and will not be available tomorrow.

THE CHAIRMAN: Well, we have ten minutes.

MR. CHALMERS: Mr. Hillmer will lead his evidence.

MR. HILLMER: I call Mr. Michael Brogan.

MICHAEL BROGAN, Sworn

THE HEARING PROCESS OFFICER: Will you state your full name please?

THE WITNESS: My name is Michael Brogan, and that is spelled B-r-o-g-a-n. I live at 4749 Riverside Drive East, Windsor, Ontario.

DIRECT EXAMINATION BY MR. HILLMER:

Q. Mr. Brogan, were you subpoenaed to attend today?



JJ 6

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A. That is correct, yes.

Q. And where are you employed,
sir?

A. I am employed with Chrysler
of Canada in Windsor, Ontario.

Q. And how long have you been
employed by that employer?

A. For 22 years.

Q. And what is your present
position at Chrysler?

A. Manager of Traffic for
Chrysler Canada.

Q. And could you briefly describe
your responsibilities in that position?

A. Yes. I conduct the company's
negotiations in business with the railways and
trucking companies in Canada and with some
American carriers as well.

Q. And are you responsible for
shipments from what has been described on Exhibit
CP-H as the holding yard or the shipping yard?

A. From the loading dock, yes.

Q. Perhaps you could indicate
that on the diagram.

A. That would be in this general
vicinity here, just east of the Chesapeake & Ohio



JJ 7

1 track and north of the Grand Marais Road. In this
2 area west of the Chesapeake & Ohio track.

3 Q. Were you present this afternoon
4 when Mr. Nutkins was describing the operation from
5 Canadian Pacific's point of view?

6 A. Yes I was.

7 Q. And from your knowledge he was
8 correct in his description of CP's operations as they
9 relate to Chrysler Canada?
10

11 A. That is correct, yes.

12 Q. Now would you please indicate
13 to the Commissioners the products which are shipped
14 from this area and perhaps it would be simpler if you
15 indicated the origin of the various products and
16 their destinations?
17

18 A. Okay. The vehicles that are
19 shipped from the Windsor loading dock are cars and
20 trucks that are built in Windsor at three different
21 plants for the Canadian market and cars only built in
22 Windsor for the U.S. market.

23 We also ship from that location cars
24 and trucks that are built at various U.S. plants and
25 transported into Windsor by other means than rail and
26 shipped by rail from Windsor to locations in Canada
27 other than Ontario.
28

29 Q. And using the Canadian Pacific
30



JJ 8

1 service, what has your volume been like in, histori-
2 cally in the recent past?

3 A. I cannot give you exact
4 numbers. But our volume has been increasing yearly
5 ever since we started to ship vehicles. Canadian
6 Pacific handles a high portion of that. It is split
7 with the other major Canadian railway. And in
8 addition to the Canadian segment of that it is about
9 two-thirds of that volume, I can speak for the
10 American volume which is going up rather dramatically.

12 In 1975 we shipped 80 rail cars of
13 vehicles or passenger cars. In 1976 we shipped 1800
14 rail cars to the United States and in 1977 we will
15 ship approximately 2400 rail cars to the United
16 States. All of those coming out of the Windsor rail
17 loading dock and all of them switched by the Canadian
18 Pacific Railway.

20 Q. Could you explain why the
21 trains are increasing?

22 A. Well, there is the natural
23 increase in volume brought about by the markets.
24 There are, of course, ups and downs to that. But in
25 the long run the volume has been up.

27 Then in addition to that there has been
28 this inauguration of shipment of vehicles to the
29 United States by rail rather than by truck. There are
30



JJ 9

1 still vehicles shipped by truck to the United States.

2 But we started in late 1975, as I
3 mentioned earlier, to ship by rail directly from
4 Windsor to United States rather than trucking them
5 from Windsor to Detroit for rail shipment from that
6 point.

7 We started out with one destination
8 and that has gone up gradually. We are up to 12
9 destinations now and there is a potential for about
10 30 more destinations. So that that could affect our
11 volume dramatically over the course of the next few
12 years unless, of course, there is some circumstance
13 that changes our decision to ship directly from
14 Windsor.
15

16
17 Q. When you talk about destinations,
18 are those Canadian or U.S. destinations?

19 A. In this particular case they
20 are U.S. destinations.
21

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1 Q. And the number of
2 destinations - does that add to the complexities
3 of your operation?

4 A. The number of destinations
5 does add to the complexities because it can involve
6 different railways and therefore different railway
7 equipment would have to be provided for it.
8

9 There are also different types of
10 cars within each railway. Some of them are higher
11 than others and you can't, for example, put a car
12 that has a different spacing in it next to a car
13 that has a higher spacing because when you drive
14 the cars through you have damage to the vehicles
15 which does increase the complexities quite
16 dramatically.
17

18 Q. So we can just distinguish
19 between a volume increased based on the number of
20 cars and an increase in difficulties and
21 complexities in the operation?
22

23 A. That's correct.

24 Q. Now are you presently
25 reaching the physical limits of the operation in
26 this area?

27 A. Yes. We are almost to
28 capacity in our ability to ship vehicles. 1975 we
29 put a second shift on in our loading dock. It is
30

KK-1

MJC-eg



KK-2

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questionable as to whether there is the alternative of a third shift. It's not only a matter of hours on a clock. There are other considerations such a switching that has to be done to prepare for the next shift and the time that is required to do it.

There are other physical limitations as well. Some of those being the fact -- referring to the aforementioned complexities that result from the increase in destinations, it increases the selection process of putting cars in that are suitable to meet the day to day and hour to hour requirements of providing equipment that will ship out the type of cars and cars that are available for a particular destination so therefore it makes it quite complex and more difficult for the railway to go in and select the cars that we need and as we progress and as we add additional U.S. destination this will become increasingly so and our concern is that when you have to have additional switching (and switching takes extra time) it results in lost time to our loading operations.

You can't load cars when they are moving and as a result it could affect productivity out of our rail dock and that would be the limitation.



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Brogan, dr.ex.
(Hillmer)

KK-3

1 Q. And you rely heavily on
2 rail as your means of shipping automobiles and
3 trucks?
4

5 A. We have a heavy reliance
6 on rail. As mentioned, we ship by rail to the
7 United States as well as by truck. In Canada we
8 ship all of our cars to every destination other than
9 Ontario by rail.
10

11 Q. If you reach your physical
12 limitations and your capacity to ship by rail, what
13 are your alternatives?
14

15 A. There is not really any
16 practical alternative although at one time cars
17 were shipped to other locations by truck. The costs
18 are extremely high. There are some remote locations
19 in the northern parts of the country and in very
20 extreme spots that it would be difficult to service.
21

22 As I mentioned costs could be high.
23 Not only that, the cars wouldn't move there quite as
24 quickly or as reliably.
25

26 MR. HILLMER: Those are all the
27 questions I have of Mr. Brogan, unless the
28 Commissioners have some questions.
29

30 THE CHAIRMAN: I don't think we
have any very serious questions but one of my
colleagues was wondering if you drove a Datsun!



Brogan

KK-4

1 THE WITNESS: No sir.

2 THE CHAIRMAN: No. We really had
3 no questions.

4 MR. HILLMER: Thank you, Mr. Brogan.
5 You will be available to return for cross-examination
6 some time in January when the Board sets a date?

7 THE WITNESS: Yes, I will be.

8 MR. HILLMER: Thank you. You are
9 subpoenaed of course for that appearance.

10 THE WITNESS: Yes.

11 MR. HILLMER: Thank you.

12 THE CHAIRMAN: Well, before we
13 adjourn I would like to remind everyone that we will
14 be starting at 9:30 tomorrow morning instead of
15 10 o'clock.

16 --- Whereupon the Hearing adjourned until Friday
17 the 2nd day of December, 1977 at 9:30 a.m.

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